

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) Criminal No. 04-10361-NG
)
JOHN HANDY,)
Defendant)

**GOVERNMENT'S MOTION FOR RECONSIDERATION
OF COURT'S AUGUST 18, 2006 ORDER
CONVENING EVIDENTIARY HEARING**

On August 18, 2006, the Court ordered a further hearing in this case, scheduled for October 4, 2006. The Court ordered that the hearing should be evidentiary, at which Michael Sullivan, the United States Attorney for the District of Massachusetts; Marianne C. Hinkle, formerly an Assistant United States Attorney ("AUSA") and now a district court judge for the Commonwealth of Massachusetts; and an Assistant District Attorney ("ADA") should testify. The government respectfully moves this Court to reconsider and vacate its order convening an evidentiary hearing. The government further asks this Court to deny the defendant's request for dismissal of the indictment or suppression of evidence.

Procedural Background

On August 1, 2006, this Court issued a Memorandum and Order Requesting Briefing of Dual Prosecution Issue. In this memorandum, the Court invited briefing on three issues: (1) the government's Petite policy and "how [it] affects the case at bar"; (2) "what

effect, if any...United States v. Lopez [has] on the legality of dual prosecution"; and (3) "the significance of the dual prosecution for the admissibility of the [defendant's July 1, 2004 guilty] plea" in Commonwealth v. Handy, Brockton District Court, Docket #0415-CR-004029 (**Exhibit 1**). [Docket entry #28]. The Court did not identify explicitly a remedy for the concerns expressed in its order, but suggested that these concerns might lead to suppression of the state-court guilty plea at the trial in this case. [Docket entry #28, page 2 ("If the government offers Handy's prior state plea, is it admissible in the federal prosecution?")].

In its memorandum in response to this order, the government explained that "after Handy pled guilty, the Plymouth District Attorney's Office realized that Handy had not been prosecuted using the state armed career criminal statute with its mandatory fifteen year term of incarceration...As a result, the Plymouth District Attorney's office referred the case to the United States Attorney's Office." [Docket entry #31, page 4]. The government noted that prior to indicting the defendant, it had obtained a waiver of the Department of Justice's Petite policy. [Docket entry #31, page 4]. It pointed out, however, that prosecution on both state and federal charges is constitutionally permissible under the dual sovereignty doctrine and that the government's Petite policy confers no

substantive rights upon defendants.¹ [Docket entry #31, pages 5-6 and 8-9]. With respect to the Court's Lopez² inquiry, the government pointed out that the First Circuit has already found 18 U.S.C. §922(g) to be a permissible exercise of the Commerce Clause and the Court is bound by this prior precedent. [Docket entry #31, pages 10-13]. Finally, the government argued that the defendant had not established that the federal prosecution was a sham prosecution theoretically remediable under Bartkus v. Illinois, 359 U.S. 121 (1959), and United States v. Guzman, 85 F.3d 823 (1st Cir. 1996).

In his response to the Court's order, the defendant argued that the Court should either dismiss this case or suppress evidence of the defendant's state-court guilty plea. [Docket entry #33].³

¹Despite language in its first memorandum that might suggest otherwise, in the government's view, its decision to seek a waiver of the Petite policy is never reviewable.

Petite policy aside, a district court may inquire into the government's decision to prosecute only where a defendant has made a *prima facie* case that, *inter alia*, the government's selection of him for prosecution was "invidious or in bad faith, i.e., based upon such "impermissible considerations as race, religion, or the desire to prevent his exercise of constitutional rights." United States v. Bassford, 812 F.2d 16, 19 (1st Cir. 1987).

²United States v. Lopez, 514 U.S. 549 (1995).

³The defendant submitted a copy of the affidavit the defendant's state-court lawyer filed in connection with an attempt to withdraw his state-court guilty plea. That affidavit stated:

ADA Flynn stated that moments after Mr. Handy was sentenced on July 1, 2004, the ADAs in the Pre-Trial Session were called by their

The defendant claimed that the federal prosecution was just a sham federal prosecution, designed to give the state another crack at the defendant. [Docket entry #33 ("the undisputed facts establish a *prima facie* case both that the federal and state authorities have colluded far beyond the ordinary forms of cooperation between law enforcement agencies, and also that this federal prosecution is being used as a tool of the Plymouth County District Attorney's Office to accomplish that which it did not even seek to accomplish in state court.")]. According to the defendant, because the federal government had not identified the defendant as a subject of prosecution "prior to the Plymouth County's second thoughts about the plea agreement it entered into," [Docket entry #33, page 10],

superiors and told not to take a plea in this case and that the Office would seek an indictment in Superior Court, but the call came too late. ADA Flynn stated that because another Plymouth County ADA had recently been hired by the U.S. Attorney's Office in Boston, that attorney would take the case with him in order to 'get more time' from Mr. Handy, or words to that effect.

The government asserted that according to the ADA involved, the conversation did not occur as described in the lawyer's affidavit. [8/18/06: 13-14].

It should be noted that in 2004, the AUSA in charge of the United States Attorney's gun program was Marianne C. Hinkle (now an Associate Justice in Dedham District Court). Ms. Hinkle did not come to the United States Attorney's Office from the Plymouth County District Attorney's Office and was an AUSA in this office by at least 1998. See United States v. Clay, 181 F.3d 80, 1998 WL 1085661 (1st Cir. 1998) (unpublished) (identifying Marianne C. Hinkle as the AUSA on brief).

the federal government must be viewed as merely "a tool of the state court prosecutors." [Id.].

At the hearing, the defendant acknowledged that the government's prosecution of the defendant was not racially motivated [8/18/06:4]; thus, he acknowledged implicitly that he could not establish that the government had selectively prosecuted him. [See footnote 1, above]. The defense argued, however, that the government's assertion in its memorandum that the District Attorney referred the case to the United States Attorney for federal prosecution because it realized that the defendant had not been prosecuted locally as a recidivist made out a *prima facie* case that the federal government's prosecution was a sham. [8/18/06: 5-6]. The Court concluded that this sequence of events made out a *prima facie* case of a Bartkus violation "[r]equiring now a hearing for the government to justify...the independent federal interest...other than helping out the Plymouth District Attorney's Office." [8/18/06: 12]:

We'll set this down for a hearing leaving everything up in the air because it seems to me your brief has a concession as to the basis for the referral, but it doesn't establish what the government did, the U.S. attorney's office did once it got the referral, and so it seems to me that that has to be developed.

* * *

...The question is if the only basis for the referral and the only basis for the federal prosecution is that the Plymouth County DA's Office didn't hit Mr. Handy hard enough,

didn't get the 15 year mandatory minimum, the question is whether that's an independent federal interest sufficient to justify the Guzman and the Bartkus cases whether or not there has to be an investigation, something going on to suggest that this man is on a federal radar screen as opposed to a state radar screen.

[8/1/8/06: 14-15].

The Federal Government's Interest

The defendant has an extensive criminal record and is an armed career criminal under federal law. His criminal record includes the following convictions:

- In 1990, the defendant was found guilty of Possession of a Class B Substance with Intent to Distribute (offense date: August 12, 1990) in Dorchester District Court (Docket #90007-CR-6547), and given a suspended sentence. In 1991, the defendant violated a condition of probation and was committed to the house of correction for one year. (**Exhibit 2**).
- In 1994, the defendant was found guilty of Possession of a Class B Substance with Intent to Distribute and Possession of a Class B Substance with Intent to Distribute Within 1,000 feet of a School (offense date: February 16, 1993) in the Dorchester Jury Session (Docket #9407-CR-0200), and was sentenced to two years in the house of correction, six months to serve, balance suspended. (**Exhibit 3**).
- In May 1995, the defendant was found guilty of Assault by a Dangerous Weapon (offense date: April 24, 1995) in West Roxbury District Court

(Docket #9506-CR-1756) and received a three-month suspended sentence that, after a probation violation, was eventually imposed. (**Exhibit 4**).

- In November 1995, the defendant was found guilty of Prisoner Commit Assault/Assault and Battery on a Corrections Officer (offense date: October 4, 1995) in Roxbury District Court (Docket #9502-CR-7773), and sentenced to 90 days imprisonment (concurrent to the sentence then being served) (**Exhibit 5**).
- In November 1995, the defendant was found guilty of Assault and Battery with a Dangerous Weapon and Assault and Battery (offense date: October 13, 1992) in Brockton Trial Court (Docket #9215-CR-315345), and received a one-year committed sentence. (**Exhibit 6**).
- In 1997, the defendant was found guilty of Possession of a Class A Substance with Intent to Distribute (offense date: September 28, 1996) in West Roxbury District Court (Docket #9606-CR-3957) and received an 18-month committed sentence. (**Exhibit 7**).
- In 1998, the defendant was found guilty of Carrying a Dangerous Weapon (offense date: July 3, 1998) in Roxbury District Court (Docket #9802CR4477) and received a 30-day suspended sentence. (**Exhibit 8**).
- In 2000, the defendant was found guilty of Assault with a Dangerous Weapon (offense date: April 20, 1999) in Brockton Trial Court (Docket #9915-CR-002786). He was sentenced to 18 months in the house of correction, six months to serve;

after violating a condition of probation, he was committed for the balance of the sentence (one year). (**Exhibit 9**).

- In August 2000, the defendant was found guilty of Assault and Battery with a Dangerous Weapon (offense date: April 30, 1999) in Brockton Trial Court (Docket #9915-CR-003069). He was sentenced to 18 months in the house of correction, six months to serve; after violating a condition of probation, he was committed for the balance of the sentence (one year). (**Exhibit 10**).
- In 2000, the defendant was found guilty of Distributing a Class A Substance and a Drug Violation Near School/Park in Roxbury District Court (Docket #0002-CR-002529) and received a one-year committed sentence. (**Exhibit 11**).

The defendant has many other convictions for, *inter alia*, illegal drug possession (1985, 1989, 1993, 1994, 1997, and 2003 convictions), receiving stolen property (1989, 1993, 1994, and 1999 convictions), credit card misuse (1992 and 1993 convictions), larceny (1993 and 1999 convictions), and threatening (1995 and 1999 convictions). A fuller record is set out in the Massachusetts Criminal History Systems Record introduced by the government as an exhibit during the detention hearing on August 10, 2005 (**Exhibit 12**).

In sum, the defendant is the paradigm offender under the Armed Career Criminal Act, 18 U.S.C. §924(e) (the "ACCA"): he is a repeat offender who is responsible for numerous drug and violent

crimes and whose incapacitation through imprisonment will help reduce both state and federal crime. The ACCA, when enacted in 1984, was intended "to supplement the States' law enforcement efforts against 'career' criminals." Taylor v. United States, 495 U.S. 575, 581 (1984)(reviewing legislative history); House Report 98-1073, reprinted in 1984 U.S.C.C.A.N. 3661, 3661 ("This bill is designed to increase the participation of the federal law enforcement system in efforts to curb armed, habitual (career) criminals."); id. ("Statistics indicate that nearly 25 million American households - 3 out of every 10 - were affected by crimes involving theft or violence. It has also become increasingly clear that a large percentage of these crimes are committed by a very small percentage of repeat offenders.****Both Congress and local prosecutors around the nation have recognized the importance of incapacitating these repeat offenders."). Prior to its 1986 amendment (when, among other things, Congress added "serious drug offense" to the Act's list of predicates), "witnesses [at House and Senate hearings] reiterated the concerns that prompted the original enactment of the enhancement provision in 1984: the large proportion of crimes committed by a small number of career offenders, and the inadequacy of state prosecutorial resources to address this problem." Taylor, 495 U.S. at 583. The ACCA envisions that the federal government will respond to a state prosecutor's request that a defendant be federally prosecuted by

considering the merits of a federal prosecution. See House Report No. 98-1073, reprinted in 1984 U.S.C.C.A.N. 3661, 3665-3665 ("under [the] approach [envisioned by the ACCA] if the local authorities arrest a three-time loser in possession of a gun...and can convince the U.S. Attorney that circumstances warrant prosecution under the enhanced penalty provisions of this bill, the mandatory 15-year penalty is available.").

Since the enactment of the ACCA, the prosecution of armed career criminals has remained a national priority. In 2001, President Bush announced Project Safe Neighborhoods ("PSN"), a "comprehensive, gun reduction strategy" that links federal, state, and local law enforcement together to "provide a multifaceted approach to deterring and punishing gun crime." See Bureau of Justice Assistance, Project Safe Neighborhoods: America's Network Against Gun Violence (June 2004) (**Exhibit 13**). Boston was one of the pioneers of PSN and, in fact, Brockton - where the defendant in this case possessed a firearm in violation of 18 U.S.C. §922(g) -- is one of the district's target cities. Under PSN, District Attorneys in targeted communities collaborate with the U.S. Attorney's Office to, *inter alia*, "refer firearm related cases for potential federal prosecution when viable." [Id.].

Here, just as PSN is meant to operate, the defendant was referred to the federal government by the Plymouth County District Attorney's Office. The federal government then decided - on its

own - that the state prosecution did not vindicate the federal government's interest in deterring and punishing armed career criminals and that a federal gun prosecution was warranted in this case. [**Exhibit 14** (request for waiver of Petite Policy; United States Attorney requested waiver because the defendant is an armed career criminal under 18 U.S.C. §924(e) who has numerous prior convictions, the offense occurred in one of the PSN target cites for the district, and "the state-court sentence fails to adequately vindicate the substantial federal interest here"); and **Exhibit 15** (waiver; Department of Justice granted waiver because "the state prosecution failed to vindicate federal interests")].⁴

Relevant Law

In Bartkus, the Supreme Court rejected a defendant's claim that his state-court conviction should be set aside because the case followed an unsuccessful federal prosecution. In *dicta*, the Court pointed out that although the federal government had turned over its evidence to the state, the second case "was undertaken by state prosecuting officials within their discretionary responsibility and on the basis of evidence that conduct contrary

⁴The government has chosen to produce its request for a waiver of the Petite policy and the waiver it received from the Department of Justice in light of the present posture of the case. As noted earlier, however, the Petite policy confers no rights on the defendant. See, for example, United States v. Gary, 74 F.3d 304 (1st Cir. 1996), and United States v. McCoy, 977 F.2d 706 (1st Cir. 1992). The documents are not discoverable and the government does not intend to produce them whenever a defendant makes a Bartkus claim.

to [their] penal code...had occurred in their jurisdiction." 359 U.S. at 123. The evidence did not, the Court found, support the claim that the state government was "merely a tool of the federal authorities, who thereby avoided the prohibition of the Fifth Amendment against a retrial." Id. This *dicta* has become known as the Bartkus exception.

In Guzman, the First Circuit accepted the existence of the Bartkus exception to the dual sovereignty doctrine, but emphasized that it was a "narrow" exception and "limited to situations in which one sovereign so thoroughly dominates or manipulates the prosecutorial machinery of another that the latter retains little or no volition in its own proceedings." Guzman, 85 F.3d at 827.

Under Guzman,

the defendant must produce some evidence tending to prove that the rule should not apply because one sovereign was a pawn of the other, with the result that the notion of two supposedly independent prosecutions is merely a sham. If the defendant proffers evidence sufficient to support such a finding--in effect, a *prima facie* case--the government must shoulder the burden of proving that one sovereign did not orchestrate both prosecutions, or, put another way, that one sovereign was not a tool of the other.

Guzman, 85 F.3d at 827.

The rendering of routine inter-governmental assistance does not establish a *prima facie* case under Bartkus. Guzman, 85 F.3d at 828 (federal government's drug prosecution following the defendant's conviction in St. Maarten did not implicate Bartkus,

even though both cases involved a single attempted smuggle of drugs and the federal government assisted in the St. Maarten case; the routine inter-governmental assistance that occurred did not establish that the Dutch authorities "were merely handmaidens of the DEA or that the Dutch prosecution was in a reality a prosecution undertaken *sub rosa* by the United States"). See also United States v. Coker, 433 F.3d 39, 46 (1st Cir. 2005)(state's notification of ATF of the possibility of federal prosecution and the subsequent investigation of defendant by both sovereigns for a period of time did not establish that the federal government's prosecution was a sham for purposes of analyzing the defendant's Sixth Amendment claim).

A *prima facie* case is also not established when a state prosecuting agency refers a case for federal prosecution because it has unsuccessfully prosecuted the defendant -- either by losing the case entirely or by failing to obtain an adequate state sentence. For example, in United States v. Tirrell, 120 F.3d 670, 677 (7th Cir. 1997), the Court of Appeals for the Seventh Circuit found that a state government's referral of a case for federal prosecution after a disappointing state prosecution was not a sufficient basis for a Bartkus claim. In Tirrell, the defendant received a probationary sentence for unlawful use of firearms in state court. The county attorney, apparently dissatisfied with this sentence, referred the case for federal prosecution and the

defendant was thereafter indicted and convicted of being a felon in possession of a firearm under 18 U.S.C. §922(g). The Tirrell Court found that these facts did not establish a *prima facie* case under Bartkus (assuming the Bartkus exception to exist): "no evidence suggests that the federal government was acting as a mere puppet of the state. The state merely requested the United States to prosecute Mr. Tirrell a second time." 120 F.3d at 677. See also United States v. Angleton, 314 F.3d 767 (5th Cir. 2002)(the federal government's failure to investigate the murder leading to federal murder-for-hire charge until contacted by the Harris County District Attorney's Office which had unsuccessfully prosecuted the defendant on a related state charge did not establish a *prima facie* case under Bartkus); and United States v. Trammell, 133 F.3d 1343, 1349-1351 (10th Cir. 1998)(federal fraud prosecution was not a sham, even though the state government referred the case for federal prosecution after the state court granted the defendant's motion for judgment of acquittal; "[i]t is...irrelevant that a state prosecutor, after unsuccessfully prosecuting a defendant, encourages or requests federal authorities to prosecute the defendant.").⁵

⁵The Trammell court also found that "a defendant is not entitled to application of the exception simply because the same attorney represented both the state and the United States in the two prosecutions against the defendant." 133 F.3d at 1350. See also United States v. Johnson, 169 F.3d 1092, 1096 (8th Cir. 1999)(although the AUSA prosecuting the defendant had been a county attorney holding a dual appointment as a Special AUSA at the time

United States v. Leathers, 354 F.3d 955 (8th Cir.), cert denied, 543 U.S. 844 (2004), is also instructive. There, the Court of Appeals for the Eighth Circuit found that even if the Bartkus exception exists, the state prosecutor's referral of the case to the federal government after a disappointing post-verdict bail hearing, 354 F.3d at 959 (and possibly in anticipation of an inadequate state sentence, 354 F.3d at 961), did not establish a *prima facie* case under Bartkus:

A referral made by a state prosecutor does not undermine the independence of federal prosecutors, regardless of the state prosecutor's motives in making the referral. The inquiry is not whether the prosecution would have taken place but for the referral, but rather whether the state has effectively manipulated the actions of the federal government, so that the federal officials retained little or no independent volition.

(internal quotation marks and citation deleted).

The case law thus compels the conclusion that the defendant has failed to establish a *prima facie* case under Bartkus. All the defendant has asserted -- indeed, that the government has

of the state prosecution, there was no evidence that he actually participated in the state prosecution and plea agreement; for this and other reasons, the defendant failed to establish that the federal case was a sham prosecution).

The defendant's unsubstantiated allegation that an unidentified ADA left the Plymouth County District Attorney's office to work for the federal government and brought the defendant's case with him (an allegation that the government disputes; see footnote 3, above) does not establish a Bartkus claim under Trammel and Johnson.

acknowledged -- is that the state referred the defendant's case to the government after it realized that it had failed to prosecute him as a recidivist. Such a referral does not establish a *prima facie* case that the federal government did not act independently and that its prosecution therefore is a sham. Nor could it, given the government's independent interest in prosecuting armed career criminals. Cf. United States v. Berry, 164 F.3d 844 (3rd Cir. 1999) (rejecting Bartkus claim because, *inter alia*, the defendant's case was "selected for federal prosecution based on facts implicating valid federal interests," for example, the defendant's status as a career offender under the Sentencing Guidelines). Moreover, the record now before the Court makes it abundantly clear (even assuming, that is, that it was not clear before) that the government independently determined that the state's prosecution did not vindicate the federal government's interest in incapacitating armed career criminals.⁶ A *prima facie* case is not established when "the sovereign bringing the second prosecution was acting independently." Johnson, 169 F.3d at 1096 (federal drug prosecution following state conviction and sentence on related drug

⁶Indeed, the Petite policy ensures that the federal government (through the United States Attorney and then through Department of Justice in Washington, D.C.) will take an independent look at the case and that a prosecution will be pursued only if it will serve "compelling interests of federal law enforcement." See, e.g., United States v. Gary, 74 F.3d 304, 313 (1st Cir. 1996) (exceptions to the Petite policy "are made only if the prosecution will serve compelling interests of federal law enforcement.").

charges was not a sham prosecution).

Conclusion

In sum, the defendant has not established a *prima facie* case that the government's prosecution is a sham, and there is no legitimate reason to further inquire into the government's charging decision or to require the United States Attorney for the District of Massachusetts⁷ and a state-court judge to divert their attention from other important duties to testify here. The Court should reconsider and vacate its August 18, 2006 order requiring an evidentiary hearing, and it should deny the defendant's request for dismissal or suppression.⁸ In any event, for the reasons set out

⁷The United States Attorney has also been designated by President Bush to be the Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and has responsibilities outside of the District of Massachusetts.

⁸In his Defendant's Memorandum Re: Dual Prosecution Issues, the defendant also claimed that his state-court plea should be suppressed under United States v. Bouthot, 878 F.2d 1506 (1st Cir. 1989). Bouthot is unavailing. The Bouthot court stated that a plea-bargaining defendant does not have "a constitutional right to information possessed by the prosecutor regarding an ongoing or potential prosecution by another sovereign." 878 F.2d at 1512. Absent evidence of misrepresentation, the state guilty plea is admissible. Id. See also United States v. Campusano, 947 F.2d 1, 5 (1st Cir. 1994). Here, the defendant has not alleged that the state made a misrepresentation regarding federal prosecution. Nor does the transcript of the state-court plea (**Exhibit 16**) reveal any misrepresentations. Thus, the defendant's Bouthot claim must be rejected.

The defendant's FRE 403 claim is, in the government's view, without merit (e.g., some of the conversations which the defendant claims he would seek to introduce and which would prolong the trial would not be admissible), but the issue is premature in any event. The government has not decided whether it will seek to introduce

in this motion, the government declines to call the witnesses that the Court suggested testify on October 4, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN,
United States Attorney

By: /s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

DINA MICHAEL CHAITOWITZ
Chief of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2006, this motion for reconsideration filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY,
Assistant U.S. Attorney

the plea in its case in chief, rather than during cross-examination and rebuttal.

EXHIBIT 1



DEFENDANT NAME JOHN HANDY, JR	COURT NAME & ADDRESS BROCKTON DISTRICT COURT 215 MAIN ST P.O. BOX 7610 BROCKTON MA 02303-7610 (508) 587-8000
DEFENDANT ALIAS(ES)	

DEFENDANT ADDRESS 42 THEODORE STREET	CITY / TOWN DORCHESTER	STATE MA	ZIP CODE
SEX M	DATE OF BIRTH [REDACTED]	CITY OF BIRTH	STATE OF BIRTH [REDACTED] SOCIAL SECURITY NO. [REDACTED]

MOTHER'S MAIDEN NAME	FATHER'S NAME
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PCF NO. 482390	SID NO.	DRIVERS LICENSE NO.	LICENSE STATE
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CASE INFORMATION

NO. COUNTS 4	POLICE DEPT SP	POLICE INCIDENT NO. 04006829	OFFENSE LOCATION BROCKTON	ARREST DATE 6/02/04	MV CITATION NO.
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CURRENT DEFENSE ATTORNEY KIMBERLY LURIE	ATTORNEY TYPE APPOINTED - INDIGENT
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CURRENT PROSECUTOR	COMPLAINANT BUSHFAN, SGT. HENRY G.
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OFFENSE AND JUDGMENT INFORMATION

COUNT: 1 OFFENSE DATE: JUNE 2, 2004
269/10/J FIREARM, CARRY WITHOUT LICENSE

JUDGMENT DATE: 7/01/04 JUDGMENT JUDGE: HON. W. JAMES O'NEILL
JUDGMENT METHOD: AMENDED OTH OFF JUDGMENT: AMENDED TO OTHER OFFENSE

COUNT: 2 OFFENSE DATE: JUNE 2, 2004
269/10/G FIREARM WITHOUT FID CARD, POSSESS.

JUDGMENT DATE: 7/01/04 JUDGMENT JUDGE: HON. W. JAMES O'NEILL
JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY; FILED

COUNT: 3 OFFENSE DATE: JUNE 2, 2004
94C/34/A DRUG, POSSESS CLASS A

JUDGMENT DATE: 7/01/04 JUDGMENT JUDGE: HON. W. JAMES O'NEILL
JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY
JAIL START DATE: 7/01/04 INSTITUTION: PLYMOUTH HOUSE OF CORRECTION
TERM OF SENTENCE: 6 MONTHS
AMOUNT TO BE SERVED: 6 MONTHS
JAIL CREDIT DAYS: 30 CONSECUTIVE TO: CONCURRENT WITH:

COUNT: 4 OFFENSE DATE: JUNE 2, 2004
269/10/G FIREARM WITHOUT FID CARD, POSSESS

JUDGMENT DATE: 7/01/04 JUDGMENT JUDGE: HON. W. JAMES O'NEILL
JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY
JAIL START DATE: 7/01/04 INSTITUTION: PLYMOUTH HOUSE OF CORRECTION
TERM OF SENTENCE: 6 MONTHS
AMOUNT TO BE SERVED: 6 MONTHS
JAIL CREDIT DAYS: 30 CONSECUTIVE TO: CONCURRENT WITH: COUNT 3

PAGE 1	DATE RECORD PRINTED 8/10/06	A TRUE COPY ATTEST	CLERK MAGISTRATE <i>Ken P. Lunder</i>
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BAIL/BOND INFORMATION

BAIL TYPE	BOND AMT SET	CASH AMT SET	DATE SET	JUDGE
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SURETY BOND/10% \$	\$100,000.00	\$10,000.00	6/03/04	HON. TOBY S. MOONEY
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FINES/FEES/COSTS ASSESSED

COUNT # FEE CODE DESC	AMOUNT ASSESSED	AMOUNT PAID/WAIVED	BALANCE DUE
COUNSEL FEE	\$150.00	\$150.00	\$.00
TOTAL	\$150.00	\$150.00	\$.00

PAYMENT HISTORY

RECEIPT NO.	RECEIPT DATE	RECEIPT AMOUNT	METHOD OF PAYMENT
133380	7/01/04	\$150.00	WAIVED

BAIL HISTORY

RECEIPT#:	DATE POSTED:	AMOUNT POSTED:	
21743	06/03/2004	\$700.00	
	METHOD: CASH		

SURETY: HANDY, JENNIS	
RETURNED:	06/07/2004
	\$700.00 CHECK

DOCKET ENTRIES

DATE	CODE	DOCKET ENTRY	JDG/MAG	ACTION DATE
6/03/04	AC	APPLICATION FOR COMPLAINT FILED		
6/03/04	ZCI	COMPLAINT ISSUED	KML	
6/03/04	ARR	ARRAIGNMENT SCHEDULED FOR		6/03/04
6/03/04	PI	PROBATION INTAKE FORM PRINTED	KML	
6/03/04	BRW	BAIL REVOCATION WARNING (276 §58) GIVEN DEFT		
6/03/04	BRN	BAIL REVIEW NOTICE GIVEN DEFENDANT	TSM	
6/03/04	ARRH	ARRAIGNMENT HELD	TSM	6/03/04
6/03/04	PT	PRETRIAL HEARING SCHEDULED FOR		7/01/04
6/03/04	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT 633851 HUMPHREYS, DAVID J.	TSM	
6/03/04	MITB	MITTIMUS IN LIEU OF BAIL TO PJ : PLYMOUTH JAIL		
6/07/04	BF	BROUGHT FORWARD	JMM	7/01/04
6/07/04	M	MOTION(S) SCHEDULED FOR HEARING ON ACTION IN COURT FORM		6/07/04
6/07/04	AIC	MOTION FILED BY SURETY TO REVOKE BAIL MOTION WAS ALLOWED BY JUDGE DGN. SURETY MAYBE ALLOWED TO GET \$700 ALREADY POSTED.		
6/07/04	MA	MOTION ALLOWED	DGN	6/07/04
6/07/04	PT	PRETRIAL HEARING SCHEDULED FOR		7/01/04
7/01/04	COLL	GUILTY PLEA/ASF COLLOQUY GIVEN	WJO	
7/01/04	ZCOM	CASE CLOSED-DEFENDANT COMMITTED WEAPON ORDERED DESTROYED	WJO	7/01/04
7/01/04				

PAGE	DATE DOCKET PRINTED	A TRUE COPY ATTEST	CLERK/MAGISTRATE
2	8/10/06		<i>Jenn P. Ruster</i>



7/01/04	JE	JUDGMENT ENTERED	WJO	
7/01/04	ARMV	ABSTRACT SENT TO REGISTRY OF MOTOR VEHICLES	WJO	7/01/04
7/01/04		AMENDED JUDGMENT OR SENTENCE ENTERED	WJO	
7/01/04	MIT	MITTIMUS FOR SENTENCE ISSUED	WJO	
7/01/04		PHC : PLYMOUTH HOUSE OF CORRECTION		
8/31/04		SSN CHANGED FROM: 028 54 4093		
8/31/04		NAME CHANGED FROM:		
8/31/04		JOHN H HANDY		
8/31/04		PCF CHANGED FROM T0063414		
9/17/04		ADA MARYCLARE FLYNN FILED:		
9/17/04		COMMONWEALTH'S MOTION TO RECIDN THE COURT'S		
9/17/04		ORDER TO DESTRUCT FIREARM;		
9/17/04		AFFIDAVIT OF ADA MARYCLARE FLYNN IN SUPPORT		
9/17/04		OF COMMONWEALTH'S MOTION TO REMOVE		
9/17/04		ORDER OF DESTRUCTION		
9/17/04	TUA	JUDGE O'NEILL	KML	
9/27/04		FAXED TO JUDGE O'NEILL IN ORLEANS		
10/01/04	MA	MOTION TO RECIDN ORDER TO DESTRUCT FIREARM	WJO	
10/01/04		ALLOWED WITHOUT HEARING		
12/02/04	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT	KML	
12/02/04		556129 PENKETHMAN JR, WILLIAM C		
12/02/04		FOR COLLATERAL ENHANCED SCREENING		
1/20/05		ATTY WM PENKETHMAN, JR FILED:		
1/20/05		MOTION FOR FUNDS		
1/20/05	TUA	JUDGE DINNEEN	KML	
2/07/05	MD	MOTION DENIED. DEFT ADMITTED SUFFICIENT FACTS	FXD	
2/09/05		AND RECEIVED SENTENCE HE ASKED FOR.		
2/09/05		THERE ARE NOT POST TRIAL MOTIONS FILED		
2/09/05		IN THIS COURT. THE TAPE OF THE		
2/09/05		COLLOQUY IS AVAILABLE FOR REVIEW.		
2/10/05	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT	KML	
2/10/05		632802 LURIE, KIMBERLY		
8/19/05		ATTY K. LURIE FILED:		
8/19/05		MOTION TO WITHDRAW AN ADMISSION TO SUFFICIENT		
8/19/05		FACTS/GUILTY PLEA;		
8/19/05		MEMORANDUM IN SUPPORT OF THE MOTION TO		
8/19/05		WITHDRAW ADMISSION/PLEA;		
8/19/05		AFFIDAVIT (OF DEFENDANT);		
8/19/05		AFFIDAVIT I OF DAVID J. HUMPHREYS;		
8/19/05		AFFIDAVIT II OF DAVID J. HUMPHREYS;		
8/19/05		AFFIDAVIT OF KIMBERLY WITTENBERG LURIE		
8/19/05	TUA	JUDGE NAGLE	KML	
8/22/05		ATTY K. WITTNEBERG LURIE FILED:		
8/22/05		MOTION FOR FUNDS;		
8/22/05		COUNSEL'S AFFIDAVIT IN SUPPORT OF MOTION		
8/22/05	TUA	JUDGE NAGLE	KML	
9/26/05	TUA	JUDGE O'NEILL IN NEW BEDFORD	KML	
10/17/05		ATTY K. LURIE FILED:		
10/17/05		MOTION TO AMEND THE MOTION TO WITHDRAW AN		
10/17/05		ADMISSION TO SUFFICIENT FACTS/GUILTY		
10/17/05		PLEA		
10/17/05	TUA	JUDGE O'NEILL	KML	
10/21/05	BF	BROUGHT FORWARD	WJO	7/01/04
10/21/05	MWP	MOTION TO WITHDRAW GUILTY PLEA SCHEDULED FOR		11/17/05
10/21/05	NONE	NOTICE OF NEXT EVENT ISSUED		
11/17/05	MH	MOTION TO WITHDRAW GUILTY PLEA (7/1/04) HEARD	WJO	
11/17/05	TUA	TAKEN UNDER ADVISEMENT	WJO	
11/17/05		MOTION TO WITHDRAW GUILTY PLEA TENDER OF		
11/17/05		7/1/04 TAKEN UNDER ADVISEMENT		
11/17/05		COURT FINDS ORIGINAL COLLOQUY ADEQUATE		
11/17/05		COURT ORDERS CORRECTION OF ORIGINAL DOCKET TO		
11/17/05		REFLECT: COUNT 1 FIREARM, CARRY WITHOUT		
11/17/05		LICENSE 269/10/J TO READ POSSESSION OF		



11/17/05	FIREARM WITHOUT FID CARD 269/10H-GUILTY 6		
11/17/05	MONTHS HOUSE OF CORRECTION COMMITTED WITH		
11/17/05	30 DAYS CREDIT CONCURRENT WITH COUNT 3		
11/17/05	POSSESS CLASS A-SENTENCE IS ALREADY SERVED		
11/17/05	AMENDED JUDGMENT OR SENTENCE ENTERED		
11/17/05	JHH	WJO	
11/17/05	ZCOM	WJO	
11/17/05	CASE CLOSED-DEFENDANT COMMITTED		
11/17/05	ATTY K. WITTENBERG-LURIE FILED:		
11/17/05	MEMORANDUM IN SUPPORT OF VACATING GUILTY PLEA		
12/23/05	JUDGE W J O'NEILL FILED:		
12/23/05	FINDINGS ON MOTION TO WITHDRAW PLEA		
12/23/05	MD	WJO	
1/12/06	MOTION TO WITHDRAW HIS ADMISSION/PLEA DENIED		
1/12/06	ATTY K. WITTENBERG LURIE FILED:		
1/12/06	NOTICE OF APPEAL		
1/12/06	BF	KML	
1/12/06	AFD	1/12/06	
1/12/06	APPEAL FILED BY DEFT; CC: JUDGE & PROSECUTOR		
1/12/06	REQUEST FROM CPCs ATTORNEY LURIE TO PLEASE		
1/12/06	SEND HER APPEAL TO THE APPEALS COURT		
1/12/06	SHORT OF HAVING A COPY OF THE TRANSCRIPT		
1/27/06	NOTICE OF ENTRY RECEIVED FROM APPEALS COURT		
1/27/06	ENTERED JANUARY 23, 2006 NO. 2006-P-0106		
5/04/06	NOTICE OF DOCKET ENTRY FROM APPEALS COURT		
5/04/06	RE #5: CASE STAYED TO 05/25/06.		
5/25/06	NOTICE OF DOCKET ENTRY RECEIVED FROM APPEALS		
5/25/06	COURT: RE#7: CASE STAYED TO 06/19/2006		

PAGE	DATE DOCKET PRINTED	A TRUE COPY ATTEST	CLERK MAGISTRATE
4	8/10/06		<i>Ken P. Funder</i>

ENDER OF PLEA OR ADMISSION WAIVER OF RIGHTS		DOCKET NO.	NO. OF COUNTS	Trial Court of Massachusetts District Court Department
--	--	------------	---------------	---



04-15 CR 409

3

STRUCTIONS: This form must be typed or printed clearly, completed prior to the Pretrial Hearing, signed by both counsel and submitted to the court by the defendant at or before the Pretrial Hearing.

NAME OF DEFENDANT

John Hardy

COURT DIVISION
Brockton District Court
215 Main Street
Brockton, MA. 02301

SECTION I

TENDER OF PLEA

Defendant in this case hereby tenders the following: PLEA OF GUILTY ADMISSION TO FACTS SUFFICIENT FOR A FINDING OF GUILTY conditioned on the dispositional terms indicated below. Include all proposed terms (guilty finding, finding of sufficient facts, continued without finding, dismissal, fine, costs, probation period and supervision terms, restitution amount including the identification of the recipient of restitution, and any sentence of incarceration, split sentence or suspended sentence, etc.). Number each count and specify terms for each count separately.

COUNT NO.	DEFENDANT'S DISPOSITIONAL TERMS (Check "Yes" if Prosecution agrees - Check "No" if Prosecution disagrees)	PROSECUTOR'S RECOMMENDATION (Required if Prosecutor disagrees with terms)
1	FIREARM § 10J AMEND to § 10H 6 MOS CMTD	<input type="checkbox"/> YES 6.2 1/2 HOC CMTD <input type="checkbox"/> NO AMEND 10(H)
2	FIREARM NO FID G - FILE	<input type="checkbox"/> YES 6. 2 yrs Hoc CMTD <input type="checkbox"/> NO
3	DRUG A 6 MOS CMTD concurrent 1 30 days jail credit	<input type="checkbox"/> YES G. 1yr Hoc CMTD <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO

WE HAVE CONSULTED WITH THE PROBATION DEPARTMENT REGARDING ANY PROBATION TERMS SET FORTH ABOVE.

TE	SIGNATURE OF DEFENSE COUNSEL	SIGNATURE OF PROSECUTING OFFICER	DATE
1/10/04	x D. H.	x Timothy A. Sipe	7/1/04

PLEA OR ADMISSION ACCEPTED BY THE COURT

The Court ACCEPTS the tendered Plea or Admission on defendant's terms set forth in Section I, and will impose sentence in accordance with said terms, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.

SECTION III

PLEA OR ADMISSION REJECTED BY THE COURT

TE	DEFENDANT'S DECISION IF COURT REJECTS TENDERED PLEA OR ADMISSION:
	<input type="checkbox"/> Defendant WITHDRAWS the tendered Plea or Admission; the parties must complete and file a Pretrial Conference Report, a Pretrial Hearing must be conducted and a trial date scheduled, if necessary.
	<input type="checkbox"/> Defendant ACCEPTS terms set forth by the Court, a Plea or Admission will be accepted by the court and said dispositional terms imposed, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form). Completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.

TE	SIGNATURE OF JUDGE ACCEPTING OR REJECTING PLEA OR ADMISSION	SIGNATURE OF DEFENSE COUNSEL (if rejection decision made)	DATE
1/10/04	x M.	x	

SECTION IV

DEFENDANT'S WAIVER OF RIGHTS (G.L.c. 263, § 6) & ALIEN RIGHTS NOTICE (G.L.c. 278, § 29D)

I, the undersigned defendant, understand and acknowledge that I am voluntarily giving up the right to be tried by a jury or a judge without a jury on these charges.

I have discussed my constitutional and other rights with my attorney. I understand that the jury would consist of six jurors chosen at random from the community, and that I could participate in selecting those jurors, who would determine unanimously whether I was guilty or not guilty. I understand that by entering my plea of guilty or admission, I will also be giving up my right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in my defense; to remain silent and refuse to testify or provide evidence against myself by asserting my privilege against self-incrimination, all with the assistance of my defense attorney; and to be presumed innocent until proven guilty by the prosecution beyond a reasonable doubt.

I am aware of the nature and elements of the charge or charges to which I am entering my guilty plea or admission. I am also aware of the nature and range of the possible sentence or sentences.

My guilty plea or admission is not the result of force or threats. It is not the result of assurances or promises, other than any agreed-upon recommendation by the prosecution, as set forth in Section I of this form. I have decided to plead guilty, or admit to sufficient facts, voluntarily and freely.

I am not now under the influence of any drug, medication, liquor or other substance that would impair ability to fully understand the constitutional and statutory rights that I am waiving when I plead guilty, or admit to sufficient facts to support a finding of guilty.

I understand that if I am not a citizen of the United States, conviction of this offense may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF DEFENDANT

X

DATE

7/1/04

SECTION V

DEFENSE COUNSEL'S CERTIFICATE (G.L.c. 218, § 26A)

As required by G.L.c. 218, § 26A, I certify that as legal counsel to the defendant in this case, I have explained to the defendant the above-stated provisions of law regarding the defendant's waiver of jury trial and rights so as to enable the defendant to tender his or her plea of guilty or admission knowing, intelligently and voluntarily.

SIGNATURE OF DEFENSE COUNSEL

X

B.B.O. NO.

633851

DATE

7/1/04

SECTION VI

JUDGE'S CERTIFICATION

I, the undersigned Justice of the District Court, addressed the defendant directly in open court. I made appropriate inquiry into the education and background of the defendant and am satisfied that he or she fully understands all of his or her rights as set forth in Section IV of this form, and that he or she is not under the influence of any drug, medication, liquor or other substance that would impair his or her ability to fully understand those rights. I find, after an oral colloquy with the defendant, that the defendant has knowingly, intelligently and voluntarily waived all of his or her rights as explained during these proceedings and as set forth in this form.

After a hearing, I have found a factual basis for the charge(s) to which the defendant is pleading guilty or admitting and I have found that the facts as related by the prosecution and admitted by the defendant would support a conviction on the charges of which the plea or admission is made.

I further certify that the defendant was informed and advised that if he or she is not a citizen of the United States, a conviction of the offense with which he or she was charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF JUDGE

MM

DATE

07/01/04

EXHIBIT 2

COURT DIVISION
Dorchester

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

John Handy
20 Intervale St., #2
Dor., MA

CC# 01711204

DEF. DOB AND SEX

OFFENSE CODE(S)

802

DATE OF OFFENSE
08/12/90

PLACE OF OFFENSE

Intervale St./Blue Hill Av

COMPLAINANT

POLICE DEPARTMENT

P.O. Fratallia, et al

AGVU

DATE OF COMPLAINT
08/13/90

RETURN DATE AND TIME

Arrested

COUNT-OFFENSE

A.POSS. CLASS B SUB. W/INT.TO DISTRIB./MFG. C94C S32

DATE

8/28/90

PLEA

 Not Guilty Guilty Nolo New Plea: Admits suff. facts

FINDING

GUILTY

JUDGE

Dolan

3-1-91

 Cont. w/o finding until: Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

2 yrs H o f e s/s 4-5-93

V.W.F. — 50.

DRUG FEE - 150.

PROBATION FEE ASSESSED

FINAL DISPOSITION

 Discharged from probation Dismissed at request of probation

DATE

COUNT-OFFENSE

DATE

PLEA

 Not Guilty Guilty Nolo New Plea: Admits suff. facts

FINDING

JUDGE

 Cont. w/o finding until: Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

 Discharged from probation Dismissed at request of probation

DATE

COUNT-OFFENSE

DATE

PLEA

 Not Guilty Guilty Nolo New Plea: Admits suff. facts

FINDING

JUDGE

 Cont. w/o finding until: Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

COPY, GIVEN UNDER MY HAND AND SEAL

THIS 10th DAY OF August

2004

Clerk-Magistrate

Assistant Clerk

 Discharged from probation Dismissed at request of probation

DATE

COUNT-OFFENSE

DATE

PLEA

 Not Guilty Guilty Nolo New Plea: Admits suff. facts

FINDING

JUDGE

 Cont. w/o finding until: Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

 Discharged from probation Dismissed at request of probation

DATE

CONT TO

PURPOSE

CONT TO

PURPOSE

10-10-90

Final

1-7-93

SI

3-1-91

trial

2-19-93

S.E

4-5-91

despo.

3-2-93

S.E

4-5-93

despo.

2-25-93

S.E

DATE TAPE NO START STOP

3-1-91 273 3361 3521

4-5-91 458 70 200

10-29-91 1468 1 1

DATE	DOCKET ENTRIES
8/14/90	def warr issued to AGVU - MJ
8/21/90	Deft bkt Ct on D/W enclosed JP
8-28-90	Subp. issued to PO. Robert Fratalia. Ret: 10-10-90 @ 8:30 AM. Ng.
10/10/90	bail FORGIVEN - OUTLAW T
10-12-90	Bail Forfeited \$200.00 SP
10-10-90	Def Warr issued to area AB/WH wife
2/22/91	Def. bkt Ct on D/W enclosed, JP
2/22/91	\$50 TO LAW OF - OUTLAW T
	ATTY BARKER APPTD
	\$40 ATTY FEE
	*500 CASH / *5000 SECURITY
2/22/91	outlines completed JP
2-25-91	Subp. issued to PO. Robert Fratalia. Ret: 3-1-91 @ 8:30 AM. Ng.
3-1-91	Cash Bail \$500.00 SP
4/16/91	Bail released \$500 check # 962 Sur.
	On 5/3/91 Probation Violation filed by P.O. MEYERS 6-13-91 SH
6/13/91	DF WARRANT TO ISSUES - OUTLAW T
06-13-91	default Warrant issued to AGVU. (L.V.)
10-29-91	defl bkt ctch warr. (warr red) (H)
10-29-91	AFTER SH CAUSE FOUND SS KOROKON & COMM
	#1 yr HC bat of # yrs SS until 4-5-93
	OUTLAW T
10/29/91	Mitt. Issued. JP/
	<u>CLOSED</u> 10-30-91 BY [Signature] DATE BY [Signature]
	Closed IN ERROR
7-7-91	2 days credit given for 2-20-91 - 2-22-91
1-7-93	aft S.H. - cause found UTP - susp sentence committed 1 yr P.C. - exec stayed t.d. 2/19/93 sole

Case 1:04-cr-10361-NG Document 42
Defendant

Case Number _____

1	2	3
2/25/93 left S.E. Leaven Stay vacated committed 1 yr H.C. South Bay 30 days credit for time spent at Bridgewater Addl Center (Dolan)		
2/25/93 Mittimus issued ca Searched 2/26/93 X		
4/7/93 left Filer Motion for New Trial and Judgment in Support thereof 4/14/93 Motion allowed - sentence reduced as to time already served (Dolan)	<p>I HEREBY CERTIFY THAT THIS IS A TRUE COPY, GIVEN UNDER MY HAND AND SEAL THIS 12th DAY OF April 2004</p> <p>Guth CLERK-MAGISTRATE ASSISTANT CLERK</p>	
4/14/93 Mittimus Issued. JP/		

EXHIBIT 3

COURT DIVISION AD W. Roxbury	NAME, ADDRESS AND ZIP CODE OF DEFENDANT
--	---

John Handy
11 Gaston St.
Dorchester, Ma.
18 Prospect Avenue #1
Brockton, MA 02402

DEF. DOB AND SEX	OFFENSE CODE(S)
------------------	-----------------

822 802 807 802a

DATE OF OFFENSE	PLACE OF OFFENSE
-----------------	------------------

2/13/93

26 Horadan Way

COMPLAINANT	POLICE DEPARTMENT (if applicable)
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Meredith/Andrew Murphy

Area B2/31111372

DATE OF COMPLAINT	RETURN DATE AND TIME
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February 16, 1993

ARRESTED

COUNT-OFFENSE

A. ILLEGAL POSS. OF CLASS B SUBSTANCE C94C S34

DATE	PLEA
------	------

2-16-93

Not Guilty Guilty Nolo
 New Plea: Admits suff. facts

FINDING	JUDGE
---------	-------

6-28-94 Guilty

Murphy

	<input type="checkbox"/> Cont. w/o finding until:
--	---

Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION	
------------------------------------	--

Request finding denied

ONE DAY H-C

6 File

FINAL DISPOSITION	
-------------------	--

Discharged from probation

Dismissed at request of probation

COUNT-OFFENSE	DATE	PLEA
---------------	------	------

B.POSS. CLASS B SUB. W/INT.TO DISTRIB/MFG C94C S32A

2-16-93

Not Guilty Guilty Nolo
 New Plea: Admits suff. facts

FINDING	JUDGE
---------	-------

6-28-94 Guilty

Murphy

	<input type="checkbox"/> Cont. w/o finding until:
--	---

Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION	
------------------------------------	--

ONE DAY H-C

Guilty file

FINAL DISPOSITION	
-------------------	--

Discharged from probation

Dismissed at request of probation

COUNT-OFFENSE	DATE	PLEA
---------------	------	------

C.MFG/DISTRIB/DISPENSE CLASS B SUB. C94C S32A(a)

2-16-93

Not Guilty Guilty Nolo
 New Plea: Admits suff. facts

FINDING	JUDGE
---------	-------

6-28-94 Guilty

Murphy

	<input type="checkbox"/> Cont. w/o finding until:
--	---

Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION	
------------------------------------	--

ONE DAY H-C

one

FINAL DISPOSITION	
-------------------	--

Discharged from probation

Dismissed at request of probation

COUNT-OFFENSE	DATE	PLEA
---------------	------	------

D.POSS CL B W/I DIST W/I 1000 ft SCHOOL C94C S32J

2-16-93

Not Guilty Guilty Nolo
 New Plea: Admits suff. facts

FINDING	JUDGE
---------	-------

6-28-94 Guilty

Murphy

	<input type="checkbox"/> Cont. w/o finding until:
--	---

Appeal of find. & disp.

Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION	
------------------------------------	--

2 yrs H-C on and after

Part A of the Contra

\$150.00

Legal fee

At Your Convenience

John B. Hall

FINAL DISPOSITION	
-------------------	--

Discharged from probation

Dismissed at request of probation

CONT TO	PURPOSE	CONT TO	PURPOSE
---------	---------	---------	---------

2-25-93 TRIAL

11-10-93 Trial

3-25-93 TRIAL Habe 4-26-94 Trial

4-7-93 TRIAL Habe 5-24-94 Trial

6-9-93 TRIAL Habe 6-28-94 Trial

6-11-93 TRIAL Habe 6-28-94 Trial

DATE	TAPE NO.	START PAGE	STOP PAGE
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9/15/94 APPEAL

10-30-94 Trial

John HANDY 93-06CR 0782

DATE	DOCKET ENTRIES
2-16-93	Habeas (TS)
FEB 20 1993	Habeas Suffolk County Jail 3-25-93 (TS)
3-1-93	Habeas issued S.C.Jail 3-25-93 (TS)
3-22-93	Habeas issued 3-23-93 to Suff C H of Correction - JMX
3-25-93	B/A Habeas issued Suff C H of C 4/1/93
APR - 7 1993	B/A Cont to 6-9-93 - Writ of Habeas Corpus to issue to Suffolk County H of C returnable 6-9-93 - Murphy for Cont 8-11-93 request of A atty Donovan JFM
JUN 9 1993	Cont 6-28-94 NRC for Comm or Defl Anderson JFM
5-24-94	Default warrant
9-15-94	DOCKET MARKED IN ERROR
9-15-94	SEPT 19 94 TPA Summ △
SEP 19 1994	SEPT 26 94 STA Summ △ ANDRE
9-19-94	Summons issued (TS)
SEP 26 1994	Default warrant
9-28-95	After a full prob. Jvr. held. No Found, prob. revoked, & Cnt. A + B Guilty find. Cnt. B. ONE day HFC Cnty conc w/ Sentence Now Serving.
	Cnt A. 2 yrs HFC front + after sentence Now sentence serving. 30 days Credit.
	DILAN, J. (RA) Note to issue.
	Tape # 1143 ~ 2471-3369.
9-28-95	Writ issued (TS)
2-1-96	see 9407 JC 0200 Entry on 9-28-95 incorrect - on 12-19-95 Guilty entered 2 years HFC - 6 mos. Committed balance suspended Prob.

DOCKET

DOCKET NUMBER 9306 CR 0782

COURT DIVISION
W. Roxbury

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

CC#31111372

John Handy
11 Gaston Street
Dorchester, MA.12-19-95
atty Guarino

JURY SESSION ATTORNEY

-
- Waived
-
-
- Retained
-
-
- Assigned

JURY SESSION

DORCHESTERJURY DOCKET NO.
9407 JC 0200

TERMS OF RELEASE

\$2,000 cash/\$40,000 surety

DATE

JURY SESSION
DOCKET

06.30.94

Received. De novo. First instance

07.13.94

Pre-Trial Conference date

08.03.94

Trial Date Scheduled

JURY SESSION DISPOSITION

JUDGE:

DATE:

 Jury Trial Plea or Admission Jury Waived Trial Other (below)

DEF DOB AND SEX

OFFENSE CODE(S)

822.802.807.802a

DATE OF OFFENSE

PLACE OF OFFENSE

02.13.93

26 Horadan Way

COMPLAINANT

Meredith/Andrew Murphy Area B2

DATE OF COMPLAINT

RETURN DATE AND TIME

02.16.93

Arrested

COUNT-OFFENSE

A. ILLEGAL POSS. OF CLASS B SUBSTANCE C94C \$34

FINE SURFINE COSTS VWF TOTAL DUE

DATE 02.16.93

PLEA

Not Guilty

Guilty

Nolo

DISPOSITION AND SENTENCE

DEC 19 1995

Dismissed lack of prosecution without
prejudice defendant not objecting.

New Plea Admits suff. facts

FINDING

JUDGE MURPHY

request finding denied

06.28.94 GUILTY-ONE DAY HOFC

Cont. w/o finding until

Appeal of find. & disp.

Appeal of disp.

FINAL DISPOSITION

DATE

 Discharged from probation Dismissed at request of probation

COUNT-OFFENSE

B. POSS. CLASS B SUB. W/INT TO DIST/MFG. C94C S32A 50%

FINE SURFINE COSTS VWF TOTAL DUE

DATE 02.16.93

PLEA

Not Guilty

Guilty

Nolo

DISPOSITION AND SENTENCE

Jury waived change of plea advised of
immigration rights plea of guilty
accepted by the courtGuilty 2 yrs
Hofc - 6 mos. to serv
prob w/curr. sent
1/50 DAT bal susp 2 yrs 12-19-95

New Plea Admits suff. facts

FINDING

JUDGE MURPHY

06.28.94 GUILTY-ONE DAY HOFC DEC 19 1995

Cont. w/o finding until

Appeal of find. & disp.

Appeal of disp.

FINAL DISPOSITION

DATE

 Discharged from probation Dismissed at request of probation

COUNT-OFFENSE

C.MFG/DIST/DISP/ CLASS B. SUB. C94C S32A

FINE SURFINE COSTS VWF TOTAL DUE

DATE 02.16.93

PLEA

Not Guilty

Guilty

Nolo

DISPOSITION AND SENTENCE

Jury waived change of plea advised of
immigration rights plea of guilty
accepted by the courtGuilty - days Hofc - 6 mos. t/s bal
prob 2 yrs drawn up b
\$30 a day survery drug 1
year 12-19-95

New Plea Admits suff. facts

FINDING

JUDGE MURPHY

06.28.94 GUILTY-ONE DAY HOFC DEC 19 1995

Cont. w/o finding until

Appeal of find. & disp.

Appeal of disp.

FINAL DISPOSITION

DATE

 Discharged from probation Dismissed at request of probation

COUNT-OFFENSE

D. POSS. CLASS B W/INT 1000 FT SCHOOL ZONE C94C S32J THIS IS A T/S

FINE SURFINE COSTS VWF TOTAL DUE

DATE 02.16.93

PLEA

Not Guilty

Guilty

Nolo

THIS DISPOSITION AND SENTENCE

DEC 19 1995 *Aug* 2004Dismissed lack of prosecution without
prejudice defendant not objecting.

New Plea Admits suff. facts

FINDING

JUDGE MURPHY

\$150 drug fee 130VWF 2YRS HOFC ON & AFTER CLERK-MAGISTRATE ASSISTANT CLERK

06.28.94 GUILTY-PART A OF THIS COMPL.

Cont. w/o finding until

Appeal of find. & disp.

Appeal of disp.

FINAL DISPOSITION

DATE

 Discharged from probation Dismissed at request of probation

CONT'D

PURPOSE

CONT'D

TIME

DATE	TAPE NO	START	STOP
8/3/94	1227	2603	2976

9/19/94 PTH
9-26-94 STATUS
1/15/95 New 270
1/19/95

EXHIBIT 4

95-06CR 1756

DATE	DOCKET ENTRIES
4-25-95	mitt issued Og
9-28-95	After a full pnb. Since hang. v4p Found, Pnb revoked, Cntry 3mons HOF C conc w/ 93 06 Cr 0782. Dolan, J. Mitt to issue. Tape# 1143-3 0471 - 3369.

EXHIBIT 5

EXHIBIT 6

RECORD OF CRIMINAL CASE**9215 CR 315345****Trial Court of Massachusetts
District Court Department****DEFENDANT NAME**

JOHN HANDY, JR

DEFENDANT ALIAS(ES)**COURT NAME & ADDRESS**

BROCKTON TRIAL COURT
215 MAIN ST P.O. BOX 7610
BROCKTON MA 02303-7610
(508) 587-8000

DEFENDANT ADDRESS
41 WESTON STREETCITY / TOWN
BROCKTONSTATE
MAZIP CODE
02301SEX
M

DATE OF BIRTH

CITY OF BIRTH

STATE OF BIRTH

SOCIAL SECURITY NO.

MOTHER'S MAIDEN NAME

FATHER'S NAME

PCF NO. 482390 SID NO.

DRIVERS LICENSE NO.

LICENSE STATE

CASE INFORMATION

NO. COUNTS 2	POLICE DEPT SP	POLICE INCIDENT NO.	OFFENSE LOCATION BROCKTON	ARREST DATE	MV CITATION NO.
-----------------	-------------------	---------------------	------------------------------	-------------	-----------------

CURRENT DEFENSE ATTORNEY
FREDERICK M McDERMOTT

ATTORNEY TYPE
APPOINTED - INDIGENT

CURRENT PROSECUTOR

COMPLAINANT

OFFENSE AND JUDGMENT INFORMATION

COUNT: 1 OFFENSE DATE: OCTOBER 13, 1992
265/15A/A A&B WITH DANGEROUS WEAPON

JUDGMENT DATE: 11/27/95 JUDGMENT JUDGE: HON. DAVID E. STEVENS
 JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY
 JAIL START DATE: 11/27/95 INSTITUTION: PLYMOUTH HOUSE OF CORRECTION
 TERM OF SENTENCE: 1 YEARS
 AMOUNT TO BE SERVED: 1 YEARS
 JAIL CREDIT DAYS: 97 CONSECUTIVE TO: CONCURRENT WITH: SNS

COUNT: 2 OFFENSE DATE: OCTOBER 13, 1992
265/13A/B A&B

JUDGMENT DATE: 11/27/95 JUDGMENT JUDGE: HON. DAVID E. STEVENS
 JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY
 JAIL START DATE: 11/27/95 INSTITUTION: PLYMOUTH HOUSE OF CORRECTION
 TERM OF SENTENCE: 1 YEARS
 AMOUNT TO BE SERVED: 1 YEARS
 JAIL CREDIT DAYS: 97 CONSECUTIVE TO: CONCURRENT WITH: COUNT 1

FINES/FEES/COSTS ASSESSED

COUNT #	Fee Code Desc	AMOUNT ASSESSED	AMOUNT PAID/WAIVED	BALANCE DUE
	COUNSEL FEE	\$75.00	\$75.00	\$.00
	TOTAL	\$75.00	\$75.00	\$.00

PAYMENT HISTORY

RECEIPT NO.	RECEIPT DATE	RECEIPT AMOUNT	METHOD OF PAYMENT
12270	11/27/95	\$75.00	WAIVED <i>[Signature]</i> CLERK OF SAID COURT

PAGE 1 DATE RECORD PRINTED 7/01/04

A TRUE COPY ATTEST

CLERK-MAGISTRATE



DOCKET ENTRIES

DATE	CODE	DOCKET ENTRY	JDG/MAG	ACTION DATE
9/27/95	CT	CASE TRANSFERRED FROM OLD TO NEW SYSTEM		
9/27/95	DRH	DEFAULT REMOVAL HEARING SCHEDULED FOR		10/12/95
9/27/95	HAB	HABEAS CORPUS FOR DEFENDANT AT		
9/27/95		SHC : SUFFOLK HOUSE OF CORRECTION (SOUTH BA		
10/12/95	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT	DAD	
10/12/95		558208 MCDERMOTT, FREDERICK M		
10/12/95	WR	WARRANT RECALLED; DEFAULT REMOVED	DAD	10/12/95
10/12/95	PT	PRETRIAL HEARING SCHEDULED FOR		11/27/95
10/12/95	HAB	HABEAS CORPUS FOR DEFENDANT AT		
10/12/95		SHC : SUFFOLK HOUSE OF CORRECTION (SOUTH BA		
11/27/95	ASF	ADMISSION TO SUFF FACTS ACCEPTED AFTER COLLOQ	DES	11/27/95
11/27/95	ZCOM	CASE CLOSED-DEFENDANT COMMITTED	DES	
11/27/95	JE	JUDGMENT ENTERED	DES	
11/27/95	MIT	MITTIMUS FOR SENTENCE ISSUED	DES	
11/27/95		PHC : PLYMOUTH HOUSE OF CORRECTION		
3/08/96	M	MOTION(S) SCHEDULED FOR HEARING ON		3/22/96
3/08/96	HAB	HABEAS CORPUS FOR DEFENDANT AT	DGN	
3/08/96		SHC : SUFFOLK HOUSE OF CORRECTION (SOUTH BA		
3/22/96	C	CONTINUED	DBW	3/22/96
3/22/96	T	BENCH TRIAL SCHEDULED FOR		3/29/96
3/22/96	HAB	HABEAS CORPUS FOR DEFENDANT AT		
3/22/96		SHC : SUFFOLK HOUSE OF CORRECTION (SOUTH BA		
3/29/96	C	CONTINUED	DAD	3/29/96
3/29/96	S	SENTENCING SCHEDULED FOR		6/26/96
4/09/96	BF	BROUGHT FORWARD	DGN	6/26/96
4/09/96	MCM	MOTION TO CORRECT MITTIMUS SCHEDULED FOR		4/23/96
4/22/96	HAB	HABEAS CORPUS FOR DEFENDANT AT	DGN	4/23/96
4/22/96	MCM	MOTION TO CORRECT MITTIMUS SCHEDULED FOR		4/26/96
4/22/96		SHC : SUFFOLK HOUSE OF CORRECTION (SOUTH BA		
4/25/96	HAB	HABEAS CORPUS FOR DEFENDANT AT		
4/25/96		SHC : SUFFOLK HOUSE OF CORRECTION (SOUTH BA		
4/26/96		MOTION TO AMEND MITT ALLOWED	DGN	
4/26/96	MA	MOTION ALLOWED	DGN	4/26/96
4/26/96	ZCOM	CASE CLOSED-DEFENDANT COMMITTED	DGN	4/26/96
4/26/96	JE	JUDGMENT ENTERED	DES	
4/26/96	MIT	MITTIMUS FOR SENTENCE ISSUED	DGN	
4/26/96		PHC : PLYMOUTH HOUSE OF CORRECTION		
6/18/99		NAME CHANGED FROM:		
6/18/99		JOHN H HANDY		
6/18/99		NAME CHANGED FROM:		
6/18/99		JOHN H HANDY, JR		
7/22/99		SSN CHANGED FROM: 028 54 4093		

A TRUE COPY ATTEST

KIP P. FUNDER

CLERK-MAGISTRATE

EXHIBIT 7

CRIMINAL DOCKET

Case 1:04-cr-10361-NG

Document 512-3

Filed 09/19/2004 Page 8 of 20

COURT DIVISION

 Interpreter Required (language:)

DATE JUDGE

DOCKET ENTRY

CL. WEST ROXBURY

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

FFR whitehead

John H Handy Jr.
60 New Whitney St.
Roxbury, MA. 02115

9-30-96 via/ft

DEFT. DOB AND SEX

OFFENSE CODE(S)

806, 801, 820

DATE OF OFFENSE(S)

PLACE OF OFFENSE(S)

9/28/96

26 Horadan Way

POLICE DEPARTMENT (if applicable)

Defendant/10541/A. Murphy

B-2 cct 960491408

DATE OF COMPLAINT

THE RETURN DATE AND TIME

9/30/96

Arrested

COUNT-OFFENSE

A. ILLEGAL POSS. OF A CLASS A SUBSTANCE c94C ss3

DISPOSITION DATE & JUDGE

FEB - 3 1997

SENTENCE OR OTHER DISPOSITION

Guilty Plea or Admission
to Sufficient Facts
accepted after colloquy
& 279 §29D warning

Bench Trial

Jury Trial

None of the above

Not Guilty

Guilty

Not Responsible

Responsible

No Probable Cause

Probable Cause

Sufficient facts found but continued without guilty finding until:
 Probation Pretrial probation(276 §87) - until:
 To be dismissed upon payment of court costs/ restitution
 Dismissed upon: Request of Comm. Request of victim
 Request of Deft Failure to prosecute Other:
 Filed with Deft's consent Nolle Prosequi Decriminalized (277 §70C)

FINAL DISPOSITION

Dismissed on recommendation of Probation Dept.
 Probation terminated; defendant discharged

JUDGE

DATE

COUNT-OFFENSE

B. MFG./DISTRIB./DISPENSING CLASS A SUB. c94C s

DISPOSITION DATE & JUDGE

FEB - 3 1997

SENTENCE OR OTHER DISPOSITION

Guilty Plea or Admission
to Sufficient Facts
accepted after colloquy
& 279 §29D warning

Bench Trial

Jury Trial

None of the above

Not Guilty

Guilty

Not Responsible

Responsible

No Probable Cause

Probable Cause

Sufficient facts found but continued without guilty finding until:
 Probation Pretrial probation(276 §87) - until:
 To be dismissed upon payment of court costs/ restitution
 Dismissed upon: Request of Comm. Request of victim
 Request of Deft Failure to prosecute Other:
 Filed with Deft's consent Nolle Prosequi Decriminalized (277 §70C)

FINAL DISPOSITION

Dismissed on recommendation of Probation Dept.
 Probation terminated; defendant discharged

JUDGE

DATE

COUNT-OFFENSE

C. POSS. CLASS A SUB. W/INT. TO DISTRIB./MFG c9

DISPOSITION DATE & JUDGE

FEB - 3 1997

SENTENCE OR OTHER DISPOSITION

Guilty Plea or Admission
to Sufficient Facts
accepted after colloquy
& 279 §29D warning

Bench Trial

Jury Trial

None of the above

Not Guilty

Guilty

Not Responsible

Responsible

No Probable Cause

Probable Cause

Sufficient facts found but continued without guilty finding until:
 Probation Pretrial probation(276 §87) - until:
 To be dismissed upon payment of court costs/ restitution
 Dismissed upon: Request of Comm. Request of victim
 Request of Deft Failure to prosecute Other:
 Filed with Deft's consent Nolle Prosequi Decriminalized (277 §70C)

FINAL DISPOSITION

Dismissed on recommendation of Probation Dept.
 Probation terminated; defendant discharged

JUDGE

DATE

COUNT-OFFENSE

D. POSSESSION OF A CONTROLLED SUBSTANCE c94C s

DISPOSITION DATE & JUDGE

FEB - 3 1997

SENTENCE OR OTHER DISPOSITION

Guilty Plea or Admission
to Sufficient Facts
accepted after colloquy
& 279 §29D warning

Bench Trial

Jury Trial

None of the above

Not Guilty

Guilty

Not Responsible

Responsible

No Probable Cause

Probable Cause

Sufficient facts found but continued without guilty finding until:
 Probation Pretrial probation(276 §87) - until:
 To be dismissed upon payment of court costs/ restitution
 Dismissed upon: Request of Comm. Request of victim
 Request of Deft Failure to prosecute Other:
 Filed with Deft's consent Nolle Prosequi Decriminalized (277 §70C)

FINAL DISPOSITION

Dismissed on recommendation of Probation Dept.
 Probation terminated; defendant discharged

JUDGE

DATE

COURT ADDRESS

445 ARBORWAY

JAMAICA PLAIN, MA 02130

ADDITIONAL COUNTS ATTACHED

A TRUE COPY ATTEST: X

CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

10-12-97

SCHEDULING HISTORY

SCHEDULING HISTORY									
NO.	SCHEDULED DATE	SCHEDULED EVENT	RESULT			JUDGE	TAPE NO.	START	STOP
1	10-30-96 PT		<input checked="" type="checkbox"/> Held	<input type="checkbox"/> Cont'd	WARD	TS	Ziemian		
2	2-3-97 WR		<input type="checkbox"/> Held	<input checked="" type="checkbox"/> Cont'd			Driegolin	2072-3	983 133
3			<input type="checkbox"/> Held	<input checked="" type="checkbox"/> Cont'd			Driegolin	2072-3	2595 311
4			<input checked="" type="checkbox"/> Held	<input type="checkbox"/> Cont'd					
5			<input checked="" type="checkbox"/> Held	<input type="checkbox"/> Cont'd					
6			<input type="checkbox"/> Held	<input checked="" type="checkbox"/> Cont'd					
7			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd					
8			<input type="checkbox"/> Held	<input checked="" type="checkbox"/> Cont'd					
9			<input type="checkbox"/> Held	<input checked="" type="checkbox"/> Cont'd					
10			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd					

ARR=Arraignment PT=Pretrial hearing CE = Discovery compliance & jury election T = Bench trial J = Jury trial PC = Probable cause hearing M = Motion hearing SR = Status review
 SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate
 DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = Probation revocation hearing

ENTRY DATE	OTHER DOCKET ENTRIES
9/20/96	Writ issued (ch)
10-10-96	\$500 CB Rec'd DML
10.30.96	Defaulted - \$500 cash bail ordered forfeited <i>zmc</i> <i>DML</i>
10-30-96	Deportation warning given (pa)
10-3-97	Writ issued (pa)

ADDITIONAL ASSESSMENTS IMPOSED OR WAIVED

DATE IMPOSED & JUDGE	TYPE OF ASSESSMENT	AMOUNT	DUE DATES & COMMENTS	WAIVED
9-30-96 Viola	Legal Counsel Fee (211D §2A ¶2)	100		
	Legal Counsel Contribution (211D §2)			
	Court Costs (280 §6)			
	Drug Analysis Fee (280 §6B)			
	OUI §24D Fee (90 §24D ¶9)			
	OUI Head Injury Surline (90 §24[1](a)[1] ¶2)			
	Probation Supervision Fee (276 §87A)			
	Default Warrant Assessment Fee (276 §30 ¶2)			
	Default Warrant Removal Fee (276 §30 ¶1)			

EXHIBIT 8

CRIMINAL DOCKET

9802 CR 4477

SCHEDULING HISTORY

NO.	SCHEDULED DATE	SCHEDULED EVENT	RESULT	JUDGE	TAPE NO.	START	STOP
1	10/15/98	PS	Held Cont'd				
	8/26/98	PC	Held Cont'd				
2	1-25-2000	SS	Held Cont'd				
4			Held Cont'd				
5			Held Cont'd				
6			Held Cont'd				
7			Held Cont'd				
8			Held Cont'd				
9			Held Cont'd				
10			Held Cont'd				

ARR = Arraignment PT = Pretrial hearing CE = Discovery compliance & jury election T = Bench trial J = Jury trial PC = Probable cause hearing M = Motion hearing SR = Status review
SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate
DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = Probation revocation hearing

ENTRY DATE	OTHER DOCKET ENTRIES
SEP 21 1998	Dolon J. Stipulates to V.T.P. SS revoked Be present Plymouth C.H.C. 08/20/98/4951 MITIGATION ISSUE
SEP 21 1999	

ADDITIONAL ASSESSMENTS IMPOSED OR WAIVED

DATE IMPOSED & JUDGE	TYPE OF ASSESSMENT	AMOUNT	DUE DATES & COMMENTS	WAIVED
JUL - 6 1998	Legal Counsel Fee (211D §2A ¶2)	red/20	10/15/98	
	Legal Counsel Contribution (211D §2)			
	Court Costs (280 §6)			
	Drug Analysis Fee (280 §6B)			
	OUI §24D Fee (90 §24D ¶9)			
	OUI Head Injury Surline (90 §24[1][a][1] ¶2)			
	Probation Supervision Fee (276 §87A)			
	Default Warrant Assessment Fee (276 §30 ¶2)			
	Default Warrant Removal Fee (276 §30 ¶1)			

EXHIBIT 9



RECORD OF CRIMINAL CASE		9915 CR 002786	
DEFENDANT NAME JOHN HANDY, JR		COURT NAME & ADDRESS BROCKTON TRIAL COURT 215 MAIN ST P.O. BOX 7610 BROCKTON MA 02303-7610 (508) 587-8000	
DEFENDANT ALIAS(ES)			
DEFENDANT ADDRESS 42 THEODORE STREET		CITY / TOWN DORCHESTER	STATE MA
SEX M	DATE OF BIRTH [REDACTED]	CITY OF BIRTH	STATE OF BIRTH [REDACTED] SOCIAL SECURITY NO. [REDACTED]
MOTHER'S MAIDEN NAME		FATHER'S NAME	
PCF NO. 482390		SID NO.	DRIVERS LICENSE NO.
LICENSE STATE			
CASE INFORMATION			
NO. COUNTS 3	POLICE DEPT BRO	POLICE INCIDENT NO. 99004891	OFFENSE LOCATION BROCKTON
CURRENT DEFENSE ATTORNEY STEPHANIE A SOUSA		ATTORNEY TYPE APPOINTED - INDIGENT	
CURRENT PROSECUTOR		COMPLAINANT DURFEE, SGT. PAUL W.	
OFFENSE AND JUDGMENT INFORMATION			
COUNT: 1 OFFENSE DATE: APRIL 20, 1999 265/15B/A ASSAULT W/DANGEROUS WEAPON			
JUDGMENT DATE: 8/23/00		JUDGMENT JUDGE: HON. DAVID G. NAGLE JR.	
JUDGMENT METHOD: PROB SURRENDER		JUDGMENT: GUILTY	
PROBATION START DATE: 7/23/99		PROBATION END DATE: 7/21/00	
SPECIAL CONDITIONS: AP ADMINISTRATIVE PROBATION ORDERED PM PAY MONIES ON ATTACHED "NOTICE TO DEFENDANT" TIMELY SP PAY ANY CHILD SUPPORT ORDER, AS DEFINED IN GL 119A §1A VR ALLOW PROBATION TO VISIT RESIDENCE WHEN HE/SHE REQUIRES 72 REPORT TO PROBATION OFFICER WITHIN 72 HOURS OF RELEASE			
JAIL START DATE: 8/23/00		INSTITUTION: PLYMOUTH HOUSE OF CORRECTION	
TERM OF SENTENCE: 1 YEARS			
AMOUNT TO BE SERVED: 1 YEARS			
JAIL CREDIT DAYS: CONSECUTIVE TO:		CONCURRENT WITH: 9915CR003069	
COUNT: 2 OFFENSE DATE: APRIL 20, 1999 266/30A/T SHOPLIFTING \$100+ BY CONCEALING MDSE			
JUDGMENT DATE: 7/23/99		JUDGMENT JUDGE: HON. RICHARD D. SAVIGNANO	
JUDGMENT METHOD: AMENDED OTH OFF		JUDGMENT: AMENDED TO OTHER OFFENSE	
COUNT: 3 OFFENSE DATE: APRIL 20, 1999 266/30A/E SHOPLIFTING BY CONCEALING MDSE, 2ND OFF.			
JUDGMENT DATE: 7/23/99		JUDGMENT JUDGE: HON. RICHARD D. SAVIGNANO	
JUDGMENT METHOD: ADM SUFF FACTS		JUDGMENT: GUILTY	
PROBATION START DATE: 7/23/99		PROBATION END DATE: 7/21/00	
SPECIAL CONDITIONS: AP ADMINISTRATIVE PROBATION ORDERED PM PAY MONIES ON ATTACHED "NOTICE TO DEFENDANT" TIMELY SP PAY ANY CHILD SUPPORT ORDER, AS DEFINED IN GL 119A §1A VR ALLOW PROBATION TO VISIT RESIDENCE WHEN HE/SHE REQUIRES			
PAGE 1	DATE RECORD PRINTED 10/06/04	A TRUE COPY ATTEST	CLERK/MAGISTRATE <i>Kay P. Fender</i>

72 REPORT TO PROBATION OFFICER WITHIN 72 HOURS OF RELEASE

BAIL/BOND INFORMATION

PERSONAL RECOG 7/01/99 HON. GREGORY L. PHILLIPS

FINES/FEES/COSTS ASSESSED

COUNT	#	FEE CODE DESC	AMOUNT ASSESSED	AMOUNT PAID/WAIVED	BALANCE DUE
		COUNSEL FEE	\$100.00	\$100.00	\$.00
		TOTAL	\$100.00	\$100.00	\$.00

PAYMENT HISTORY

RECEIPT NO.	RECEIPT DATE	RECEIPT AMOUNT	METHOD OF PAYMENT
64505	7/23/99	\$100.00	WAIVED

DOCKET ENTRIES

DATE	CODE	DOCKET ENTRY	JDG/MAG	ACTION DATE
4/26/99	AC	APPLICATION FOR COMPLAINT FILED		
4/26/99	ZCI	COMPLAINT ISSUED	KML	
4/26/99	PI	PROBATION INTAKE FORM PRINTED	KML	
4/26/99	WARC	WARRANT ON COMPLAINT ISSUED FOR DEFENDANT	KML	
6/09/99	TUA	JUDGE SAVIGNANO	RDS	
6/15/99	WR	WARRANT RECALLED; DEFAULT REMOVED	DGN	4/26/99
6/15/99	DRH	DEFAULT REMOVAL HEARING SCHEDULED FOR		6/15/99
6/15/99	AIC	ACTION IN COURT FORM		
6/15/99	C	CONTINUED	RDS	6/15/99
6/15/99	DRH	DEFAULT REMOVAL HEARING SCHEDULED FOR	RDS	7/01/99
6/15/99	HAB	HABEAS CORPUS FOR DEFENDANT AT	RDS	
6/15/99		MHC : MIDDLESEX HOUSE OF CORRECTION		
7/01/99	DR	DEFAULT REMOVED	GLP	7/01/99
7/01/99	ARR	ARRAIGNMENT SCHEDULED FOR	GLP	7/01/99
7/01/99	PT	PRETRIAL HEARING SCHEDULED FOR	GLP	7/23/99
7/01/99	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT	GLP	
7/01/99		635232 ABDELMESSIH, EMAD		
7/01/99	HAB	HABEAS CORPUS FOR DEFENDANT AT	GLP	
7/01/99		MHC : MIDDLESEX HOUSE OF CORRECTION		
7/23/99	ARRH	ARRAIGNMENT HELD	RDS	
7/23/99	COLL	GUILTY PLEA/ASF COLLOQUY GIVEN	RDS	
7/23/99	AW	ALIEN WARNING (279 §29D) GIVEN DEFENDANT	RDS	
7/23/99	PSFW	WAIVED BY COURT, PROBATION SUPERVISION FEE		
7/23/99	VWFW	WAIVED BY COURT, VICTIM/WITNESS FEE		
7/23/99	PTH	PRETRIAL HEARING HELD	RDS	7/23/99
7/23/99	P	PROBATION UNTIL		7/21/00
7/23/99	JE	JUDGMENT ENTERED	RDS	
7/23/99	MIT	MITTIMUS FOR SENTENCE ISSUED		
7/23/99		PHC : PLYMOUTH HOUSE OF CORRECTION		
7/23/99	PCFI	PROBATION CONDITIONS FORM ISSUED		
6/22/00	C	CONTINUED	DGN	7/21/00
6/22/00	PS	PROBATION SURRENDER HEARING SCHEDULED FOR		7/07/00

PAGE 2	DATE DOCKET PRINTED 10/06/04	A TRUE COPY ATTEST	CLERK-MAGISTRATE <i>Kenji P. Fender</i>
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RECORD OF CRIMINAL CASE

9915 CR 002786

Trial Court of Massachusetts
District Court Department

7/07/00	C	CONTINUED	AG	7/07/00
7/07/00	PS	PROBATION SURRENDER HEARING SCHEDULED FOR	AG	8/23/00
7/07/00	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT	AG	
7/07/00		560666 SOUSA, STEPHANIE A		
8/23/00		AMENDED JUDGMENT OR SENTENCE ENTERED	RDS	
8/23/00		AMENDED JUDGMENT OR SENTENCE ENTERED	DGN	
8/23/00		PRIOR SENTENCE ON COUNT 1 WAS GUILTY 18 MONTH		
8/23/00		HOUSE OF CORRECTION 6 MONTHS TO BE SERVED,		
8/23/00		BALANCE SUSPENDED WITH PROBATION, DEFENDANT		
8/23/00		FOUND IN VIOLATION OF PROBATION AND COMMITTED		
8/23/00		FOR THE BALANCE OF SENTENCE WHICH IS 1 YEAR	DGN	
8/23/00	PVF	PROBATION VIOLATION FOUND BY COURT	DGN	8/23/00
8/23/00	ZCOM	CASE CLOSED-DEFENDANT COMMITTED	DGN	
8/23/00	MIT	MITTIMUS FOR SENTENCE ISSUED	DGN	
8/23/00		PHC : PLYMOUTH HOUSE OF CORRECTION		
8/23/00	MIT	MITTIMUS FOR SENTENCE ISSUED	DGN	
8/23/00		PHC : PLYMOUTH HOUSE OF CORRECTION		

PAGE	DATE DOCKET PRINTED	A TRUE COPY ATTEST	CLERK-MAGISTRATE
3	10/06/04		<i>Kenji P. Luster</i>

EXHIBIT 10

RECORD OF CRIMINAL CASE**9915 CR 003069****State Court of Massachusetts
District Court Department**DEFENDANT NAME
JOHN HANDY, JR

DEFENDANT ALIAS(ES)

COURT NAME & ADDRESS

BROCKTON TRIAL COURT
215 MAIN ST P.O. BOX 7610
BROCKTON MA 02303-7610
(508) 587-8000DEFENDANT ADDRESS
41 WESTON STREETCITY / TOWN
BROCKTONSTATE
MA ZIP CODE
02301SEX
M DATE OF BIRTH
[REDACTED]

CITY OF BIRTH

STATE OF BIRTH [REDACTED] SOCIAL SECURITY NO. [REDACTED]

MOTHER'S MAIDEN NAME

FATHER'S NAME

PCF NO.
482390

SID NO.

DRIVERS LICENSE NO.

LICENSE STATE

CASE INFORMATION

NO. COUNTS 4	POLICE DEPT BRO	POLICE INCIDENT NO.	OFFENSE LOCATION BROCKTON	ARREST DATE	MV CITATION NO.
-----------------	--------------------	---------------------	------------------------------	-------------	-----------------

CURRENT DEFENSE ATTORNEY STEPHANIE A SOUSA	ATTORNEY TYPE APPOINTED - INDIGENT
---	---------------------------------------

CURRENT PROSECUTOR	COMPLAINANT MACY'S
--------------------	-----------------------

OFFENSE AND JUDGMENT INFORMATION

COUNT: 1 OFFENSE DATE: APRIL 30, 1999
266/30A/D SHOPLIFTING BY CONCEALING MDSE

JUDGMENT DATE: 7/23/99 JUDGMENT JUDGE: HON. RICHARD D. SAVIGNANO
JUDGMENT METHOD: AMENDED OTH OFF JUDGMENT: AMENDED TO OTHER OFFENSE

COUNT: 2 OFFENSE DATE: APRIL 30, 1999
265/15A/A A&B WITH DANGEROUS WEAPON

JUDGMENT DATE: 8/23/00 JUDGMENT JUDGE: HON. DAVID G. NAGLE JR.
JUDGMENT METHOD: PROB SURRENDER JUDGMENT: GUILTY
PROBATION START DATE: 7/23/99 PROBATION END DATE: 7/21/00
SPECIAL CONDITIONS:

AP ADMINISTRATIVE PROBATION ORDERED
PM PAY MONIES ON ATTACHED "NOTICE TO DEFENDANT" TIMELY
SP PAY ANY CHILD SUPPORT ORDER, AS DEFINED IN GL 119A §1A
VR ALLOW PROBATION TO VISIT RESIDENCE WHEN HE/SHE REQUIRES
72 REPORT TO PROBATION OFFICER WITHIN 72 HOURS OF RELEASE

JAIL START DATE: 8/23/00 INSTITUTION: PLYMOUTH HOUSE OF CORRECTION
TERM OF SENTENCE: 1 YEARS
AMOUNT TO BE SERVED: 1 YEARS
JAIL CREDIT DAYS: CONSECUTIVE TO: CONCURRENT WITH:

COUNT: 3 OFFENSE DATE: APRIL 30, 1999
266/120 TRESPASS

JUDGMENT DATE: 7/23/99 JUDGMENT JUDGE: HON. RICHARD D. SAVIGNANO
JUDGMENT METHOD: DISMISSED JUDGMENT: DISMISSED-REQUEST COMPLNT

COUNT: 4 OFFENSE DATE: APRIL 30, 1999
266/30A/E SHOPLIFTING BY CONCEALING MDSE, 2ND OFF.

JUDGMENT DATE: 7/23/99 JUDGMENT JUDGE: HON. RICHARD D. SAVIGNANO
JUDGMENT METHOD: ADM SUFF FACTS JUDGMENT: GUILTY

A TRUE COPY ATTEST
[Signature]
CLERK OF SAID COURT

PAGE DATE RECORD PRINTED

1 7/01/04

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COPY
ATTEST

CLERK-MAGISTRATE

RECORD OF CRIMINAL CASE

9915 CR 003069

Trial Court of Massachusetts District Court Department



PROBATION START DATE: 7/23/99

PROBATION END DATE: 7/21/00

SPECIAL CONDITIONS:

AP ADMINISTRATIVE PROBATION ORDERED
PM PAY MONIES ON ATTACHED "NOTICE TO DEFENDANT" TIMELY
SP PAY ANY CHILD SUPPORT ORDER, AS DEFINED IN GL 119A §1A
VR ALLOW PROBATION TO VISIT RESIDENCE WHEN HE/SHE REQUIRES
72 REPORT TO PROBATION OFFICER WITHIN 72 HOURS OF RELEASE

BAIL/BOND INFORMATION

BAIL TYPE

BOND AMT SET

CASH AMT SET DATE SET JUDGE

PERSONAL RECOG

7/01/99 HON. GREGORY L. PHILLIPS

FINES/FEES/COSTS ASSESSED

COUNT # FEE CODE DESC	AMOUNT ASSESSED	AMOUNT PAID/WAIVED	BALANCE DUE
COUNSEL FEE	\$100.00	\$100.00	\$.00
TOTAL	\$100.00	\$100.00	\$.00

PAYMENT HISTORY

RECEIPT NO.	RECEIPT DATE	RECEIPT AMOUNT	METHOD OF PAYMENT
78970	8/23/00	\$100.00	WAIVED

DOCKET ENTRIES

DATE	CODE	DOCKET ENTRY	JDG/MAG	ACTION DATE
5/07/99	AC	APPLICATION FOR COMPLAINT FILED		
5/07/99	ZCI	COMPLAINT ISSUED	KML	
5/07/99	ARR	ARRAIGNMENT SCHEDULED FOR		6/15/99
5/07/99	PI	PROBATION INTAKE FORM PRINTED	KML	
5/07/99	SUM	SUMMONS ISSUED FOR DEFENDANT	KML	
6/15/99	C	CONTINUED	DGN	6/15/99
6/15/99	ARR	ARRAIGNMENT SCHEDULED FOR	DGN	7/01/99
6/15/99		DEFENDANT INCARCERATED AT MSH	DGN	
7/01/99	C	CONTINUED	GLP	7/01/99
7/01/99	ARR	ARRAIGNMENT SCHEDULED FOR	GLP	7/01/99
7/01/99	PT	PRETRIAL HEARING SCHEDULED FOR	GLP	7/23/99
7/01/99	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT 635232 ABDELMESSIH, EMAD	GLP	
7/23/99	ARRH	ARRAIGNMENT HELD	RDS	
7/23/99	COLL	GUILTY PLEA/ASF COLLOQUY GIVEN	RDS	
7/23/99	AW	ALIEN WARNING (279 §29D) GIVEN DEFENDANT	RDS	
7/23/99	PTH	PRETRIAL HEARING HELD	RDS	7/23/99
7/23/99	P	PROBATION UNTIL		7/21/00
7/23/99	PSFW	WAIVED BY COURT, PROBATION SUPERVISION FEE		
7/23/99	VWFW	WAIVED BY COURT, VICTIM/WITNESS FEE		
7/23/99	JE	JUDGMENT ENTERED	RDS	
7/23/99	MIT	MITTIMUS FOR SENTENCE ISSUED		
7/23/99		PHC : PLYMOUTH HOUSE OF CORRECTION		
7/23/99	PCFI	PROBATION CONDITIONS FORM ISSUED		
6/22/00	C	CONTINUED	DGN	7/21/00
6/22/00	PS	PROBATION SURRENDER HEARING SCHEDULED FOR		7/07/00

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Kenny P. O'Donnell
DGN 7/21/00
CLERK OF SMC COURT 7/07/00

PAGE DATE DOCKET PRINTED

2

7/01/04

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ATTEST

CLERK-MAGISTRATE

ERIK MAGISTRATE
Erin P. Gardner

RECORD OF CRIMINAL CASE

9915 CR 003069

Trial Court of Massachusetts
District Court Department 

7/07/00	C	CONTINUED	AG	7/07/00
7/07/00	PS	PROBATION SURRENDER HEARING SCHEDULED FOR	AG	8/23/00
7/07/00	CAI	COUNSEL APPOINTED FOR INDIGENT DEFENDANT	AG	
7/07/00		560666 SOUSA, STEPHANIE A		
8/23/00		AMENDED JUDGMENT OR SENTENCE ENTERED	RDS	
8/23/00		PRIOR SENTENCE ON COUNT 2 WAS GUILTY 18 MONTH		
8/23/00		HOUSE OF CORRECTION 6 MONTHS TO BE SERVED		
8/23/00		BALANCE SUSPENDED WITH PROBATION, DEFENDANT		
8/23/00		FOUND IN VIOLATION OF PROBATION AND COMMITTED		
8/23/00		FOR THE BALANCE OF SENTENCE WHICH IS 1 YEAR	DGN	
8/23/00	PVF	PROBATION VIOLATION FOUND BY COURT	DGN	
8/23/00	ZCOM	CASE CLOSED-DEFENDANT COMMITTED	DGN	8/23/00
8/23/00	MIT	MITTIMUS FOR SENTENCE ISSUED	DGN	
8/23/00		PHC : PLYMOUTH HOUSE OF CORRECTION		
8/23/00	MIT	MITTIMUS FOR SENTENCE ISSUED	DGN	
8/23/00		PHC : PLYMOUTH HOUSE OF CORRECTION		
10/13/00		MOTION TO RECONSIDER FILED BY DEFT	DGN	
10/25/00	TUA	JUDGE NAGLE	DGN	
11/02/00		10/31/2000 AFTER REVIEW OF AFFIDAVIT, COURT		
11/02/00		FILE & DEFT'S RECORD THE MOTION TO RECONSIDER		
11/02/00		VTP IS DENIED PER JUDGE	DGN	

A TRUE COPY ATTEST



Karen P. Fender
CLERK-MAGISTRATE
DISTRICT COURT

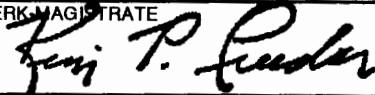
PAGE	DATE DOCKET PRINTED	A TRUE COPY ATTEST	CLERK-MAGISTRATE
3	7/01/04		

EXHIBIT 11

DOCKET NUMBER: 0002CR002529

NAME: HANDY, JOHN

SCHEDULING HISTORY

NO.	SCHEDULED DATE	SCHEDULED EVENT	RESULT	JUDGE	TAPE NO.	START
1	6-16-00	PT	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
2	7/17/00	M/S	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	JUL 17 2000 Moriarity, J.	841-cc	001 1097
3	7/17/00	Vial.	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
4			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	SEP 06 2000	Leary, J.	100-7100 (61B)
5			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
6			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
7			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
8			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
9			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			
10			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd			

RR=Arraignment PT=Pretrial hearing CE=Discovery compliance and jury election T=Bench trial J=Jury Trial PC=Probable cause hearing M=Motion hearing SR=Status review
SRP=Status review of payments FA=First appearance in jury session S=Sentencing CW=Continuance-without-finding scheduled to terminate P=Probation scheduled to terminate
FTA=Defendant failed to appear and was defaulted WAR=Warrant issued WARD=Default warrant issued WR=Warrant or default warrant recalled PR=Probation revocation hearing

ENTRY DATE	OTHER DOCKET ENTRIES
JUN 2 2000	MITTIMUS ISSUE .
6-16-00	Waive app of deft. 1/17/00 Same - same
JUN 16 2000	MITTIMUS ISSUE .
7/16/00	\$2,000 - Cash Deposit by Shiner's Commiss.
JUL 17 2000	Moriarity, J. Motion to Suppress Fired
UL 17 2000	LADIA Lynn Downey Atty Blessington Motion to Suppress Commences Comm 1st wit. P.O. Kenneth Herns Comm Roots

ADDITIONAL ASSESSMENTS IMPOSED OR WAIVED

DATE IMPOSED and JUDGE	TYPE OF ASSESSMENT	AMOUNT	DUE DATES and COMMENTS	WAIVED
JUN 2 2000	Legal Counsel Fee (211D §2A ¶2)	w/w		
	Legal Counsel Contribution (211D §2)			
	Court Costs (280 §6)			
	Drug Analysis Fee (280 §6B)			
	OUI §24D Fee (90 §24D ¶9)			
	OUI Head Injury Surfine (90 §24[1][a][1] ¶2)			
	Probation Supervision Fee (276 §87A)			
	Default Warrant Assessment Fee (276 §30 ¶2)			
	Default Warrant Removal Fee (276 §30 ¶1)			

BUCKET CONTINUATION

John Handy

000245002529

EXHIBIT 12

***** WARNING ***** WARNING *****

THIS INFORMATION IS CORI. IT IS NOT SUPPORTED BY FINGERPRINTS.
PLEASE CHECK THAT THE NAME REFERENCED BELOW MATCHES THE NAME AND DATE OF BIRTH
OF THE PERSON REQUESTED.

***** COMMONWEALTH OF MASSACHUSETTS *****
CRIMINAL HISTORY SYSTEMS BOARD

*** PERSONS COURT SUMMARY ***

NAM: HANDY, JOHN FORMAL-NAM: JOHN PCF: 00000482390
DOB: [REDACTED] SEX: M RAC: B POB: BOSTON MA SSN: [REDACTED]
NOM: KATHERINE ROWE POP: JOHN HGT: 508 WGT: 175 HAI: BLK EYE: BRO
ADDRESS: 41 WESTON ST BROCKTON MA

LIAS:

NAM: WHITE, ELIAS H
FORMAL-NAM: ELIAS
DOB: [REDACTED] SEX: M RAC:

LIAS:

NAM: ARTHUR, BRIAN S
FORMAL-NAM: BRIAN
DOB: [REDACTED] SEX: M RAC:

*** THERE IS AT LEAST ONE SEALED CASE ON FILE ***

***** ADULT APPEARANCES *****

RRAIGNMENT: (001)

ARG-DATE: 06/03/04 PD: SDH COURT: BROCKTON DISTRICT DKT#: 0415CR004029A
OFF: FIREARM VIOLATION(SPECIFY) POSSESS W/O FID CARD FIR
DISP: `/04 STATUS: O WPD:

RRAIGNMENT: (002)

ARG-DATE: 06/03/04 PD: SDH COURT: BROCKTON DISTRICT DKT#: 0415CR004029B
OFF: FIREARM VIOLATION(SPECIFY) POSSESS W/O FID CARD FIR
DISP: C 7/1/04 STATUS: O WPD:

RRAIGNMENT: (003)

ARG-DATE: 06/03/04 PD: SDH COURT: BROCKTON DISTRICT DKT#: 0415CR004029C
OFF: POSS CLASS A CONT SUB CSA POSS A
DISP: C 7/1/04 STATUS: O WPD:

ARRAIGNMENT: (004)

ARG-DATE: 11/26/02 PD: BOS COURT: DORCHESTER DISTRICT

OFF: POSS CLASS A CONT SUB

DISP: 1/22/03 G 1YR SS 7/22/04 VWF VN 10/21/03 C 6/15/04 DF 7/13/04 D/R VN 8/17/04 VOP 1YR CMTD F/W

DKT#: 0207CR7749A

CSA POSS A

STATUS: C WPD:

ARRAIGNMENT: (005)

ARG-DATE: 05/14/02 PD: BOS COURT: DORCHESTER DISTRICT

OFF: TRESPASSING

DISP: DF 11/26/02 D/R C 1/22/03 DISM

DKT#: 0207CR2747A

TRES

STATUS: C WPD:

ARRAIGNMENT: (006)

ARG-DATE: 05/14/02 PD: BOS COURT: DORCHESTER DISTRICT

OFF: POSS CLASS A CONT SUB

DISP: DF 11/26/02 D/R 1/22/03 G 1YR 7/22/04 VWF VN 10/21
03 C 6/15/04 DF D/R VN 8/17/04 VOP TERM

DKT#: 0207CR2747B

CSA POSS A

STATUS: C WPD:

ARRAIGNMENT: (007)

ARG-DATE: 06/02/00 PD: BOS COURT: ROXBURY DISTRICT

OFF: CONTROL SUBSTANCE SCHOOL 1000FT

DISP: C 9/6/00 DISM

DKT#: 0002CR002529A

CSA SCHOOL

STATUS: C WPD:

ARRAIGNMENT: (008)

ARG-DATE: 06/02/00 PD: BOS COURT: ROXBURY DISTRICT

OFF: DISTRIBUTE/DISPENSE CLASS A

DISP: C 9/6/00 G 1YR CMTD F&A

DKT#: 0002CR002529B

CSA DIST A

STATUS: C WPD:

ARRAIGNMENT: (009)

ARG-DATE: 06/15/99 PD: BRO COURT: BROCKTON DISTRICT

OFF: SHOPLIFTIN

DISP: C 7/23/99 G 18MO SPS 6MO CMTD BAL 7/21/00 8/23/00
VN VOP 1YR CMTD

DKT#: 9915CR003069A

SHOPLIFT

STATUS: C WPD:

ARRAIGNMENT: (010)

ARG-DATE: 06/15/99 PD: BRO COURT: BROCKTON DISTRICT

OFF: A&B DANGEROUS WEAPON

DISP: C 7/23/99 G 18MO SPS 6MO CMTD BAL 7/21/00 8/23/00
VN VOP 1YR CMTD

DKT#: 9915CR003069B

A&B DW

STATUS: C WPD:

ARRAIGNMENT: (011)

ARG-DATE: 06/15/99 PD: BRO COURT: BROCKTON DISTRICT

OFF: TRESPASSING

DISP: C 7/23/99 DISM

DKT#: 9915CR003069C

TRES

STATUS: C WPD:

ARRAIGNMENT: (012)

ARG-DATE: 06/14/99 PD: BRO COURT: BROCKTON DISTRICT

DKT#: 9915CR002786A

OFF: ASSAULT DANGEROUS WEAPON
Case 1:04-cr-10361-NG Document 42-4 Filed 09/19/2006 Page 8 of 22
DISP: C 7/23/99 G 18MO S 6MO CMTD BAL 7/21/00 8/23/00 ASLT DW STATUS: C WPD:
VN VOP 1YR CMTD

ARRAIGNMENT: (013)

ARG-DATE: 06/14/99 PD: BRO COURT: BROCKTON DISTRICT
OFF: SHOPLIFTIN
DISP: C 7/23/99 G 18MO SPS 6MO CMTD BAL 7/21/00 8/23/00
VN VOP 1YR CMTD

DKT#: 9915CR002786B
SHOPLIFT
STATUS: C WPD:

ARRAIGNMENT: (014)

ARG-DATE: 06/14/99 PD: BRO COURT: BROCKTON DISTRICT
OFF: SHOPLIFTIN
DISP: C 7/23/99 G FILE

DKT#: 9915CR003933A
SHOPLIFT
STATUS: C WPD:

ARRAIGNMENT: (015)

ARG-DATE: 05/06/99 PD: PVT COURT: BOSTON DISTRICT
OFF: SHOPLIFTIN
DISP: C 6/9/99 WAR 7/14/99 WAR/WD C 11/22/99 FILE

DKT#: 9901CR1456A
SHOPLIFT
STATUS: C WPD:

ARRAIGNMENT: (016)

ARG-DATE: 03/02/99 PD: BOS COURT: BOSTON DISTRICT
OFF: SHOPLIFTIN
DISP: C 4/29/99 1YR SS 10/25/000 VWF 6/29/99 7/15/99 VOP STATUS: C WPD:
WAR 7/15/99 WAR/WD VN 11/22/99 1YR CMTD

DKT#: 9901CR863A
SHOPLIFT
STATUS: C WPD:

ARRAIGNMENT: (017)

ARG-DATE: 02/10/99 PD: NET COURT: NEWTON DISTRICT
OFF: LARCENY MORE
DISP: C 6/3/99 G 1YR SPS 4MO CMTD BAL SS 6/1/00 TERM

DKT#: 9912CR107A
LAR MORE
STATUS: C WPD:

ARRAIGNMENT: (018)

ARG-DATE: 02/10/99 PD: NET COURT: NEWTON DISTRICT
OFF: THREATENING MURDER
DISP: C 6/3/99 G 4MO CMTD

DKT#: 9912CR107B
THREAT
STATUS: C WPD:

ARRAIGNMENT: (019)

ARG-DATE: 02/10/99 PD: NET COURT: NEWTON DISTRICT
OFF: POSS HYPODERMIC OR SYRINGE
DISP: C 6/3/99 G 1YR SPS 4MO CMTD BAL SS 6/1/00 TERM

DKT#: 9912CR107C
CSA HYPO/SYR
STATUS: C WPD:

ARRAIGNMENT: (020)

ARG-DATE: 02/10/99 PD: NET COURT: NEWTON DISTRICT
OFF: LARCENY LESS
DISP: C 6/3/99 G 1YR SPS 4MO CMTD BAL SS 6/1/00 TERM

DKT#: 9912CR107D
LAR LESS
STATUS: C WPD:

RRAIGNMENT: (021)

ARG-DATE: 01/26/99 PD: BRA COURT: QUINCY DISTRICT
 OFF: POSS HYPODERMIC OR SYRINGE
 DISP: C 9/15/99 G 3MO CMTD

DKT#: 9956CR000367A
 CSA HYPO/SYR
 STATUS: C WPD:

RRAIGNMENT: (022)

ARG-DATE: 01/26/99 PD: BRA COURT: QUINCY DISTRICT
 OFF: SHOPLIFTIN
 DISP: C 9/15/99 DISM

DKT#: 9956CR000367B
 SHOPLIFT
 STATUS: C WPD:

RRAIGNMENT: (023)

ARG-DATE: 01/26/99 PD: BRA COURT: QUINCY DISTRICT
 OFF: KNOWINGLY REC STOLEN PROP
 DISP: C 9/15/99 G 3MO CMTD

DKT#: 9956CR000367C
 RSG
 STATUS: C WPD:

RRAIGNMENT: (024)

ARG-DATE: 07/28/98 PD: BOS COURT: ROXBURY DISTRICT
 OFF: POSS HYPODERMIC OR SYRINGE
 DISP: C 8/26/98 G 30DAYS CMTD SS 2/25/00 VN 9/21/99 HAB
 VOP CMTD

DKT#: 9802CR4951A
 CSA HYPO/SYR
 STATUS: C WPD:

RRAIGNMENT: (025)

ARG-DATE: 07/28/98 PD: BOS COURT: ROXBURY DISTRICT
 OFF: TRESPASSING
 DISP: C 8/26/98 G 30DAYS CMTD SS 2/25/00 VN 9/21/99
 VOP CMTD

DKT#: 9802CR4951B
 TRES
 STATUS: C WPD:

RRAIGNMENT: (026)

ARG-DATE: 07/06/98 PD: BOS COURT: ROXBURY DISTRICT
 OFF: TRESPASSING
 DISP: C 8/26/98 G 30DAYS CMTD SS 2/25/00 VN 9/21/99 HAB
 VOP CMTD

DKT#: 9802CR4477A
 TRES
 STATUS: C WPD:

RRAIGNMENT: (027)

ARG-DATE: 07/06/98 PD: BOS COURT: ROXBURY DISTRICT
 OFF: CARRYING DANGEROUS WEAPON
 DISP: C 8/26/98 G 30DAYS CMTD SS 2/25/00 VN 9/21/99
 VOP CMTD

DKT#: 9802CR4477B
 DWC
 STATUS: C WPD:

RRAIGNMENT: (028)

ARG-DATE: 02/03/97 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: POSS CLASS A CONT SUB
 DISP: G 18MO CMTD

DKT#: 9706CR0526A
 CSA POSS A
 STATUS: C WPD:

RRAIGNMENT: (029)

ARG-DATE: 02/03/97 PD: BOS COURT: WEST ROXBURY DISTRICT
Case 1:04-cr-10361-NG Document 42-4 Filed 09/19/2006
OFF: TRESPASSING
DISP: G 18MO CMTD

DKT#: 9706CR0526B
TRES
STATUS: C WPD:

ARRAIGNMENT: (030)

ARG-DATE: 09/30/96 PD: BOS COURT: WEST ROXBURY DISTRICT
OFF: POSS CLASS A CONT SUB
DISP: C 10/30/96 DF 2/3/97 D/R G 18MO CMTD

DKT#: 9606CR3957A
CSA POSS A
STATUS: C WPD:

ARRAIGNMENT: (031)

ARG-DATE: 09/30/96 PD: BOS COURT: WEST ROXBURY DISTRICT
OFF: DISTRIBUTE/DISPENSE CLASS A
DISP: C 10/30/96 DF 2/3/97 D/R G 18MO CMTD

DKT#: 9606CR3957B
CSA DIST A
STATUS: C WPD:

ARRAIGNMENT: (032)

ARG-DATE: 09/30/96 PD: BOS COURT: WEST ROXBURY DISTRICT
OFF: POSS TO DISTRIBUTE CLASS A
DISP: C 10/30/96 DF 2/3/97 D/R G 18MO CMTD

DKT#: 9606CR3957C
CSA POSS DIST A
STATUS: C WPD:

ARRAIGNMENT: (033)

ARG-DATE: 08/15/96 PD: MTA COURT: ROXBURY DISTRICT
OFF: POSS CLASS A CONT SUB
DISP: C 11/13/96 DF WAR 2/3/97 D/R DF WAR 6/11/97 D/R C
9/24/97 G 60DA CMTD

DKT#: 9602CR5004A
CSA POSS A
STATUS: C WPD:

ARRAIGNMENT: (034)

ARG-DATE: 11/08/95 PD: PVT COURT: ROXBURY DISTRICT
OFF: ASSAULT AND BATTERY CORRECTIONS OFFICER A&B
DISP: C 12/21/95 G 90 DA SCHC CMTD

DKT#: 9502CR7773A
CORRECTIONS OFFICER A&B
STATUS: C WPD:

ARRAIGNMENT: (035)

ARG-DATE: 04/25/95 PD: BOS COURT: WEST ROXBURY DISTRICT
OFF: ASSAULT DANGEROUS WEAPON AIR GUN
DISP: C 5/4/95 G 3MO SS 5/4/96 VWF BF 7/17/95 C 9/28/95
PROB REV G 3MO CMTD

DKT#: 9506CR1756A
ASLT DW
STATUS: C WPD:

ARRAIGNMENT: (036)

ARG-DATE: 11/17/94 PD: PVT COURT: BOSTON DISTRICT
OFF: LARCENY MORE
DISP: C 11/28/94 WAR 8/23/95 WAR/WD C 8/31/95 6MO CMTD

DKT#: 9401CR8200A
LAR MORE
STATUS: C WPD:

ARRAIGNMENT: (037)

ARG-DATE: 11/17/94 PD: PVT COURT: BOSTON DISTRICT
OFF: TRESPASSING
DISP: C 11/28/94 DF 8/23/95 DR C 8/31/95 6MO CMTD

DKT#: 9401CR8200B
TRES
STATUS: C WPD:

ARRAIGNMENT: (038)

ARG-DATE: 09/19/94 PD: PVT COURT: BOSTON DISTRICT
 OFF: SHOPLIFTIN
 DISP: C 10/13/94 WAR 8/31/95 WAR/WD FILE

DKT#: 9401CR6345A
 SHOPLIFT
 STATUS: C WPD:

ARRAIGNMENT: (039)

ARG-DATE: 09/19/94 PD: PVT COURT: BOSTON DISTRICT
 OFF: TRESPASSING
 DISP: C 10/13/94 DF 8/31/95 D/R 6MO CMTD

DKT#: 9401CR6345B
 TRES
 STATUS: C WPD:

ARRAIGNMENT: (040)

ARG-DATE: 07/12/94 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: STALK/FOLLOWING
 DISP: WAR 9/1/95 WAR W/D C 9/28/95 DISM

DKT#: 9406CR3146A
 STALK A
 STATUS: C WPD:

ARRAIGNMENT: (041)

ARG-DATE: 07/12/94 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: RESTRAINING ORDER VIOLATION
 DISP: WAR 9/1/95 WAR W/D C 9/28/95 G 6MO CMTD CONC

DKT#: 9406CR3146B
 RESTRN ORD
 STATUS: C WPD:

ARRAIGNMENT: (042)

ARG-DATE: 07/12/94 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: THREATENING BOD HARM
 DISP: WAR 9/1/95 WAR W/D C 9/28/95 G FILE

DKT#: 9406CR3146C
 THREAT
 STATUS: C WPD:

ARRAIGNMENT: (043)

ARG-DATE: 06/30/94 PD: BOS COURT: DORCHESTER JURY OF SIX
 OFF: POSS CLASS B CONT SUB
 DISP: DF D/R DF D/R C 12/19/95 (@6) C6/5/962YRSPS6MOCMTD
 SS 12/28/98 \$150DRGFEE VWFBF10/30DF2/3/97D/RG18MCMT

DKT#: 9407JC0200A
 CSA POSS B
 STATUS: C WPD:

ARRAIGNMENT: (044)

ARG-DATE: 06/30/94 PD: BOS COURT: DORCHESTER JURY OF SIX
 OFF: POSS TO DISTRIBUTE CLASS B
 DISP: DF D/R DF D/R C 12/19/95 (@6) C6/5/962YR SPS6MOCMTD
 SS 12/28/98 BF 10/30/96 DF 2/3/97 D/R G 18MO CMTDC

DKT#: 9407JC0200B
 CSA POSS DIST B
 STATUS: C WPD:

ARRAIGNMENT: (045)

ARG-DATE: 06/30/94 PD: BOS COURT: DORCHESTER JURY OF SIX
 OFF: MFG CLASS B CONT SUB
 DISP: DF D/R DF D/R C 12/19/95 (@6) C6/5/96 G2YR SPS 6MO
 CMTD SS 12/28/98 BF 10/30/96 DF 2/3/97 D/R 18MOCMTD

DKT#: 9407JC0200C
 CSA MFG B
 STATUS: C WPD:

ARRAIGNMENT: Case 04-cr-10361-NG Document 42-4 Filed 09/19/2006 Page 12 of 22
ARG-DATE: 06/30/94 PD: B COURT: DORCHESTER JURY OR SIX DKT#: 9407JC0200D
OFF: POSS TO DISTRIBUTE CLASS B CSA POSS DIST B
DISP: DF D/R DF D/R C 12/19/95 (@6)C6/5/96 2YR SPS6MOCMT STATUS: C WPD:
SS 12/28/98 BF10/30/96 DF 2/3/97 D/R G 18MO CMTD

ARRAIGNMENT: (047)
ARG-DATE: 06/24/94 PD: PVT COURT: BOSTON DISTRICT DKT#: 9401CR3976A
OFF: SHOPLIFTIN CSA POSS A
DISP: WAR 7/18/94 WAR/WD C 8/31/95 FILE STATUS: C WPD:

ARRAIGNMENT: (048)
ARG-DATE: 05/20/94 PD: BOS COURT: ROXBURY DISTRICT DKT#: 9402CR3700A
OFF: POSS CLASS A CONT SUB CSA POSS A
DISP: C 5/24/94 G PROB 5/22/96 VWF 8/23/94 DF 10/5/95 STATUS: C WPD:
D/R TERM

ARRAIGNMENT: (049)
ARG-DATE: 05/20/94 PD: BOS COURT: ROXBURY DISTRICT DKT#: 9402CR3700B
OFF: KNOWINGLY REC STOLEN PROP OVER RSG
DISP: C 5/24/94 G PROB 5/22/96 8/23/94 DF 10/5/95 D/R STATUS: C WPD:
TERM

ARRAIGNMENT: (050)
ARG-DATE: 11/04/93 PD: COURT: BOSTON DISTRICT DKT#: 9301CR8742A
OFF: LARCENY MORE PROP
DISP: C 11/23/93 1YR SPS 3MO CMTD 11/23/94 6/24/94 SURR LAR MORE
C 7/1/94 DF D/R C 8/2/94 DF 8/23/95 VOP G 1YR CMTD STATUS: C WPD:

ARRAIGNMENT: (051)
ARG-DATE: 11/04/93 PD: COURT: BOSTON DISTRICT DKT#: 9301CR8742B
OFF: TRESPASSING TRES
DISP: C 11/23/93 FILE STATUS: C WPD:

ARRAIGNMENT: (052)
ARG-DATE: 11/04/93 PD: COURT: BOSTON DISTRICT DKT#: 9301CR8742C
OFF: MAL DESTRUCTION OF PROPERTY OVER PROP MAL DES
DISP: C 11/23/93 PROB 11/23/94 6/24/94 SURR C 7/1/94 DF STATUS: C WPD:
D/R C 8/2/94 DF 8/23/95 VOP 1YR CMTD

ARRAIGNMENT: (053)
ARG-DATE: 10/26/93 PD: COURT: BOSTON DISTRICT DKT#: 9301CR8499A
OFF: LARCENY LESS PROP
DISP: WAR WAR/WD WAR 11/17/94 WAR/WD C 9/18/95 REST 6MO LAR LESS
CMTD STATUS: C WPD:

ARRAIGNMENT: (054)
ARG-DATE: 10/26/93 PD: COURT: BOSTON DISTRICT DKT#: 9301CR8499B
OFF: CREDIT CARD MISUSE CRDT CARD

ARRAIGNMENT: (055)

ARG-DATE: 06/30/93 PD: COURT: BOSTON DISTRICT
 OFF: LARCENY MORE PROP
 DISP: CC WAR 8/20/93 WAR/WD C 9/3/93 22DA CMTD

DKT#: 9301CR4968A
 LAR MORE
 STATUS: C WPD:

ARRAIGNMENT: (056)

ARG-DATE: 05/10/93 PD: COURT: BOSTON DISTRICT
 OFF: POSS TO DISTRIBUTE CLASS B CRACK COCAINE
 DISP: WAR WAR/WD C 11/1/93 1YR SS 11/1/95 SURR C 112393
 PROB 112394 8/23/95 G VOP 1 YR CMTD

DKT#: 9301CR3486A
 CSA POSS DIST B
 STATUS: C WPD:

ARRAIGNMENT: (057)

ARG-DATE: 02/16/93 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: POSS CLASS B CONT SUB
 DISP: C 8/11/93 DFW 9/15/93 D/R C 11/10/93 DFW 3/29/94
 D/R C 6/28/94 G 1DA CMTD APP G FILE

DKT#: 9306CR0782A
 CSA POSS B
 STATUS: C WPD:

ARRAIGNMENT: (058)

ARG-DATE: 02/16/93 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: POSS TO DISTRIBUTE CLASS B
 DISP: C 8/11/93 DFW 9/15/93 D/R C 11/10/93 DFW 3/29/94
 D/R C 6/28/94 G 1DA CMTD APP G FILE

DKT#: 9306CR0782B
 CSA POSS DIST B
 STATUS: C WPD:

ARRAIGNMENT: (059)

ARG-DATE: 02/16/93 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: DISTRIBUTE/DISPENSE CLASS B
 DISP: C 8/11/93 DFW 9/15/93 D/R C 11/10/93 DFW 3/29/94
 D/R C 6/28/94 G 1DA CMTD APP G 1DA CMTD

DKT#: 9306CR0782C
 CSA DIST B
 STATUS: C WPD:

ARRAIGNMENT: (060)

ARG-DATE: 02/16/93 PD: BOS COURT: WEST ROXBURY DISTRICT
 OFF: CONTROL SUBSTANCE SCHOOL W/I DIST B
 DISP: DF D/R C 11/10/93 DF 3/29/94 D/R C 6/28/94 G 2YR
 CMTD O/A VWF APP G 2YR CMTD F/A

DKT#: 9306CR0782D
 CSA SCHOOL
 STATUS: C WPD:

ARRAIGNMENT: (061)

ARG-DATE: 12/01/92 PD: COURT: DORCHESTER DISTRICT
 OFF: KNOWINGLY REC STOLEN PROP
 DISP: C 2/19/93 G 1YR CMTD

DKT#: 9207CR9123A
 RSG
 STATUS: C WPD:

ARRAIGNMENT: (062)

ARG-DATE: 12/01/92 PD: COURT: DORCHESTER DISTRICT
 OFF: CREDIT CARD MISUSE POSS STOLEN
 DISP: C 2/19/93 G 1YR CMTD

DKT#: 9207CR9123B
 CRDT CARD
 STATUS: C WPD:

ARRAIGNMENT: (063)

ARG-DATE: 11/02/92 PD: COURT: BROCKTON DISTRICT
 OFF: A&B DANGEROUS WEAPON
 DISP: DF 5/11/93 D/R C 9/1/93 DF 10/12/95 DR C 11/27/95
 G 1 YR CMTD

DKT#: 315345
 A&B DW
 STATUS: C WPD:

ARRAIGNMENT: (064)

ARG-DATE: 11/02/92 PD: COURT: BROCKTON DISTRICT
 OFF: ASSAULT AND BATTERY
 DISP: DF 5/11/93 D/R C 9/1/93 DF 10/12/95 DR C 11/27/95
 G 1 YR CMTD

DKT#: 315346
 A&B
 STATUS: C WPD:

ARRAIGNMENT: (065)

ARG-DATE: 10/29/91 PD: COURT: DORCHESTER DISTRICT
 OFF: POSS CLASS D CONT SUB
 DISP: FILE

DKT#: 9107CR8038A
 CSA POSS D
 STATUS: C WPD:

ARRAIGNMENT: (066)

ARG-DATE: 11/06/90 PD: COURT: ROXBURY DISTRICT
 OFF: ARMED ROBBERY
 DISP: DF D/R DF D/R C 12/6/91 C 2/3/92 DISM

DKT#: 9002CR11699A
 ROB ARM
 STATUS: C WPD:

ARRAIGNMENT: (067)

ARG-DATE: 11/06/90 PD: COURT: ROXBURY DISTRICT
 OFF: LARCENY MV
 DISP: DF D/R DF D/R C 12/6/91 C 2/3/92 DISM

DKT#: 9002CR11699B
 LAR
 STATUS: C WPD:

ARRAIGNMENT: (068)

ARG-DATE: 11/02/90 PD: COURT: ROXBURY DISTRICT
 OFF: MFG CLASS B CONT SUB
 DISP: DF D/R DF D/R C 12/6/91 C 2/3/92 NG

DKT#: 9002CR11603A
 CSA MFG B
 STATUS: C WPD:

ARRAIGNMENT: (069)

ARG-DATE: 11/02/90 PD: COURT: ROXBURY DISTRICT
 OFF: CONSPIRACY TO VIO CONT SUB ACT
 DISP: DF D/R DF D/R C 12/6/91 C 2/3/92 NG

DKT#: 9002CR11603B
 CSA CONSP
 STATUS: C WPD:

ARRAIGNMENT: (070)

ARG-DATE: 11/02/90 PD: COURT: ROXBURY DISTRICT
 OFF: MFG CLASS B CONT SUB
 DISP: DF D/R DF D/R C 12/6/91 C 2/3/92 DISM

DKT#: 9002CR11603C
 CSA MFG B
 STATUS: C WPD:

ARRAIGNMENT: (071)

ARG-DATE: 08/13/90 PD: COURT: DORCHESTER DISTRICT

DKT#: 9007CR6547A

OFF: POSS TO DISTRIBUTE CLASS B
Case 04-cr-10361-NG Document 42-4 Filed 09/19/2006 Page 13 of 22
DISP: WAR WAR/WD C 4/5/93 G 2YR SS 4/5/93 PROG 6/13
DF D/R R/R 1YR CMTD SE C 2/25/93 G 1YR CMTD
CSA POSS DIST B
STATUS: C WPD:

ARRAIGNMENT: (072)

ARG-DATE: 06/25/90 PD: COURT: BOSTON DISTRICT
OFF: CRIME OF (SPECIFY IN FULL) CONCEAL MV ID
DISP: WAR 1/28/92 WAR/WD FILE

DKT#: 258152B
CRIME OF
STATUS: C WPD:

ARRAIGNMENT: (073)

ARG-DATE: 06/25/90 PD: COURT: BOSTON DISTRICT
OFF: COMPULSORY INSURANCE VIOLATION
DISP: DF 1/28/92 D/R FILE

DKT#: 258152C
118A
STATUS: C WPD:

ARRAIGNMENT: (074)

ARG-DATE: 05/23/90 PD: COURT: BOSTON MUNICIPAL JURY OF DKT#: 903634
OFF: SHOPLIFTIN SHOPLIFT
DISP: C 5/22/91 PROG (@1) TERM STATUS: C WPD:

ARRAIGNMENT: (075)

ARG-DATE: 05/23/90 PD: COURT: BOSTON MUNICIPAL JURY OF DKT#: 903635
OFF: B&E NT W/I COM FEL B&E NT W/I FEL
DISP: C 5/22/91 PROG (@1) TERM STATUS: C WPD:

ARRAIGNMENT: (076)

ARG-DATE: 04/18/90 PD: COURT: BOSTON DISTRICT DKT#: 257112A
OFF: SHOPLIFTIN SHOPLIFT
DISP: C 5/9/90 FJ 5/31/90 STATUS: C WPD:

ARRAIGNMENT: (077)

ARG-DATE: 04/05/90 PD: COURT: BOSTON DISTRICT DKT#: 256696A
OFF: B&E NT W/I COM FEL B&E NT W/I FEL
DISP: C 5/9/90 FJ 5/31/90 STATUS: C WPD:

ARRAIGNMENT: (078)

ARG-DATE: 01/17/89 PD: COURT: BOSTON DISTRICT DKT#: 242794A
OFF: POSS CLASS A CONT SUB CSA POSS A
DISP: 6/26/89 FILE STATUS: C WPD:

ARRAIGNMENT: (079)

ARG-DATE: 01/17/89 PD: COURT: BOSTON DISTRICT DKT#: 242794B
OFF: AFFRAY AFFRAY
DISP: 6/26/89 FILE STATUS: C WPD:

ARRAIGNMENT: (080)

ARG-DATE: 01/03/89 PD: COURT: ROXBURY DISTRICT
 OFF: KNOWINGLY REC STOLEN PROP
 DISP: C 5/4/89 G FILE

DKT#: 8902CR0032A
 RSG
 STATUS: C WPD:

ARRAIGNMENT: (081)

ARG-DATE: 01/03/89 PD: COURT: ROXBURY DISTRICT
 OFF: POSS CLASS A CONT SUB
 DISP: C/5/89 NG

DKT#: 8902CR0032B
 CSA POSS A
 STATUS: C WPD:

ARRAIGNMENT: (082)

ARG-DATE: 09/08/88 PD: COURT: BOSTON DISTRICT
 OFF: SHOPLIFTIN
 DISP: WAR 1/3/89 WAR/WD CWF OF 3/29/89 CC VWF DF 6/26/89
 D/R DISM

DKT#: 238688A
 SHOPLIFT
 STATUS: C WPD:

ARRAIGNMENT: (083)

ARG-DATE: 09/18/86 PD: COURT: ROXBURY DISTRICT
 OFF: DISTRIBUTE/DISPENSE CLASS A
 DISP: C 5/5/89 DISM

DKT#: 621386A
 CSA DIST A
 STATUS: C WPD:

ARRAIGNMENT: (084)

ARG-DATE: 09/18/86 PD: COURT: ROXBURY DISTRICT
 OFF: DISTRIBUTE/DISPENSE CLASS B
 DISP: C 5/5/87 DISM

DKT#: 621386B
 CSA DIST B
 STATUS: C WPD:

ARRAIGNMENT: (085)

ARG-DATE: 02/19/86 PD: COURT: DORCHESTER DISTRICT
 OFF: ILLEGITIMATE
 DISP: DF 11/3/87 D/R DISM

DKT#: 86CR0707
 ILLEGIT
 STATUS: C WPD:

ARRAIGNMENT: (086)

ARG-DATE: 12/18/85 PD: COURT: BOSTON MUNICIPAL JURY OF DKT#: 856541
 OFF: POSS TO DISTRIBUTE CLASS D
 DISP: DISM (7 5608A)

CSA POSS DIST D
 STATUS: C WPD:

ARRAIGNMENT: (087)

ARG-DATE: 12/18/85 PD: COURT: BOSTON MUNICIPAL JURY OF DKT#: 856542
 OFF: FIREARM ID CARD
 DISP: DISM (7 5608D)

FIR ID
 STATUS: C WPD:

ARRAIGNMENT: (088)

ARG-DATE: 12/18/85 PD: COURT: BOSTON MUNICIPAL JURY OFDKT#:
Case 1:04-cr-10361-NG Document 42-4 Filed 09/19/2006 Page 17 of 22
OFF: POSS OF AMMUNITION CSA POSS D
DISP: DISM (7 5608E) STATUS: C WPD:

856543

RRAIGNMENT: (089)

ARG-DATE: 10/31/85 PD: COURT: DORCHESTER DISTRICT
OFF: POSS CLASS D CONT SUB W/I
DISP: C 12/10/86 CMTD APP

DKT#: 85CR5608A
CSA POSS D
STATUS: C WPD:

RRAIGNMENT: (090)

ARG-DATE: 10/31/85 PD: COURT: DORCHESTER DISTRICT
OFF: RECEIVING STOLEN PROPERTY O
DISP: C 12/10/86 DISM

DKT#: 85CR5608B
PROP RCV STLN
STATUS: C WPD:

RRAIGNMENT: (091)

ARG-DATE: 10/31/85 PD: COURT: DORCHESTER DISTRICT
OFF: CONSPIRACY TO VIO CONT SUB ACT VIOL CS ACT
DISP: C 12/10/86 DISM

DKT#: 85CR5608C
CSA CONSP
STATUS: C WPD:

RRAIGNMENT: (092)

ARG-DATE: 10/31/85 PD: COURT: DORCHESTER DISTRICT
OFF: FIREARM VIOLATION(SPECIFY) W/O ID
DISP: C 12/10/86 CMTD APP

DKT#: 85CR5608D
FIR
STATUS: C WPD:

RRAIGNMENT: (093)

ARG-DATE: 10/31/85 PD: COURT: DORCHESTER DISTRICT
OFF: POSS OF AMMUNITION
DISP: C 12/10/86 CMTD APP

DKT#: 85CR5608E
POSS AMMO
STATUS: C WPD:

RRAIGNMENT: (094)

ARG-DATE: 03/19/85 PD: COURT: DORCHESTER DISTRICT
OFF: POSS CLASS D CONT SUB W/INT
DISP: C 4/12/85 FJ

DKT#: CR0403
CSA POSS D
STATUS: C WPD:

RRAIGNMENT: (095)

ARG-DATE: 03/19/85 PD: COURT: BOSTON MUNICIPAL JURY OFDKT#:
OFF: POSS CLASS D CONT SUB
DISP: C 13/85 6MO SS PROB 6/18/87 VWF CC (@7 0403A)
12/10/85 R/R 6MO CMTD

852007
CSA POSS D
STATUS: C WPD:

RRAIGNMENT: (096)

ARG-DATE: 12/03/84 PD: COURT: DORCHESTER DISTRICT
OFF: POSS CLASS D CONT SUB
DISP: C 1/29/85 NG

DKT#: 52539
CSA POSS D
STATUS: C WPD:

ARRAIGNMENT: (097)

ARG-DATE: 03/28/84 PD: COURT: SUFFOLK SUPERIOR DKT#: 041353
OFF: LARCENY FRM PER LAR
DISP: PROB 3/27/85 TERM (1 8350) STATUS: C WPD:

ARRAIGNMENT: (098)

ARG-DATE: 03/28/84 PD: COURT: SUFFOLK SUPERIOR DKT#: 041354
OFF: LARCENY LAR
DISP: PROB 3/27/85 TERM (1 8352) STATUS: C WPD:

ARRAIGNMENT: (099)

ARG-DATE: 08/30/82 PD: COURT: BOSTON DISTRICT DKT#: 8350
OFF: ROBBERY ROB
DISP: C 9/20/82 BO STATUS: C WPD:

ARRAIGNMENT: (100)

ARG-DATE: 08/30/82 PD: COURT: BOSTON DISTRICT DKT#: 8352
OFF: ROBBERY ROB
DISP: C 9/20/82 BO STATUS: C WPD:

***** ***** ***** END OF ADULT APPEARANCES ***** ***** ***** *****

REQUESTED BY: SHEILA O'HARA
COMPLETED BY: O'HARA, SHEILA
AGENCY: US ATF - BOSTON

--- DRIVER INQUIRY ---

KEYS USED: HANDY JOHN 040463
DLN:028544902 STATUS: SOC: [REDACTED]
CDL STATUS: REASON:
NAME L: HANDY F: JOHN M: H JR DOB: [REDACTED]
SEX: M HGT: 5 10
RESIDENCE: CITY: ST: ZIP:
BLDG/APT:
MAIL ADDR: 20 INTERVALE ST CITY: DORCHESTER ST: MA ZIP: 02121-1818
BLDG/APT:
DRIVERS ED: N MAB REVIEW: N MILITARY: N
PREVIOUS NAME L: F: M:
RESTRICTIONS: TIME: TO
TYPE CLASS ISSUE DATE EXP DATE
I 12/23/1987 ID ONLY

CJIS 881716 12/02/2004 1607 S1028/6028.
MASSACHUSETTS REGISTRY OF MOTOR VEHICLES 12/02/04 1607

-- DRIVER INQUIRY ---

KEYS USED: HANDY JOHN 040463
LN:028544092 STATUS:SUS/RSU SOC: [REDACTED]
DL STATUS: REASON: NON-PAY CHILD SUPPORT
NAME L: HANDY F: JOHN M: H DOB: [REDACTED]
SEX: M HGT: 5 10
RESIDENCE: CITY: ST: ZIP:
BLDG/APT:
MAIL ADDR: 229 COLUMBIA RD CITY: DORCHESTER ST: MA ZIP: 02121-3406
BLDG/APT: APT 4
DRIVERS ED: N MAB REVIEW: N MILITARY: N
PREVIOUS NAME L: F: M:
RESTRICTIONS: TIME: TO
YPE CLASS ISSUE DATE EXP DATE
I 10/03/1996 ID ONLY

CAND *****LEAPS CANDIDATE NAME LIST

REF	NAME	DOB	SX	RC	EYE	HAI	HGT	WGT	DEA
W4611785	HUNT CHARLES L	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W6258088	HUNT JAMES	[REDACTED]	M	W	BLU	BRO	511	170	LMTC
W4019887	HUNT JAMES	[REDACTED]	M	W	BLU	BRO	511	165	LMTC
W5274429	HANDY ROBERT L	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W5274430	HANDY ROBERT L	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W5391340	HAMOUDA RAMADAN A	[REDACTED]	M	B	XXX	BLK	507	000	LMTC
W4864481	HUNT BRYAN J	[REDACTED]	M	W	GRN	BRO	509	185	LMTC
W6212549	HUNT LEO	[REDACTED]	M	W	BLU	BRO	510	160	LMTC
W5217547	HUNT BRYAN J	[REDACTED]	M	W	GRN	BRO	509	185	LMTC
W4467371	HUNT JESSE J	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W4727165	HUNT LEE	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W5495232	HUNT KEVIN	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W6201586	HUNT NANCY	[REDACTED]	M	U	XXX	XXX	000	000	LMTC
W5765660	HAMAD JOSEPH D	[REDACTED]	M	U	BRO	BLK	600	185	LMTC
W5684305	HAMAD JOSEPH D	[REDACTED]	M	U	BRO	BLK	600	185	LMTC

JLARS

CJIS 881716 12/02/2004 1607 S [REDACTED]

IN.

N01VPQ0006320

IAATFBSS0

TO NCIC WANT SOC/[REDACTED]

TO NCIC WANT NAM/HANDY, JOHN DOB/[REDACTED] RAC/U SEX/M.>-<

CJIS 881716 12/02/2004 1607 S [REDACTED]

MASSACHUSETTS REGISTRY OF MOTOR VEHICLES

12/02/04 1607

----- DRIVER HISTORY -----

KEYS USED:

HANDY

JOHN

040463

OLN: 028544092

ST: MA

PAGE 01

NAME L: HANDY

F: JOHN

M: H

DOB: [REDACTED]

CORP/CO NAME:

STATUS: SUS/RSU FOLDER:

ENTRY DATE	INCIDENT DATE	DESCRIPTION	CRT	FINDINGS DATE
4/01/04	04/01/04	SUSPENSION NON-PAY CHILD SUPPORT	INDEFINIT	04/11/04
4/01/04	04/01/04	NON-PAY CHILD SUPPORT		
3/09/04	03/09/04	EXPIRATION POSS HYPO SYRINGE	PEC BRAINTREE	03/09/04
3/09/04	03/09/04	EXPIRATION POSS HYPO SYRINGE	PEC NEWTON	03/09/04
3/09/04	03/09/04	EXPIRATION POSSESS CLS B/INTENT	PEC DORCHE	03/09/04
3/09/04	03/09/04	EXPIRATION ILLEGAL POSS CLASS B	PEC DORCHE	03/09/04
3/09/04	03/09/04	EXPIRATION 1000 FEET SCHOOL	PEC DORCHESTER	03/09/04
3/09/04	03/09/04	HEARING ILLEGAL POSS CLASS B EXPIRE		03/09/04
3/09/04	03/09/04	HEARING ILLEGAL POSS CLASS A FILED		03/09/04
3/09/04	03/09/04	HEARING POSS HYPO SYRINGE EXPIRE		03/09/04
3/09/04	03/09/04	HEARING POSSESS CLS B/INTENT EXPIRE		03/09/04

----- NEXT PAGE COMING UP -----

JIS 881716 12/02/2004 1607 S [REDACTED]
 MASSACHUSETTS REGISTRY OF MOTOR VEHICLES 12/02/04 1607
 ----- DRIVER HISTORY -----
 KEYS USED: HANDY JOHN [REDACTED]

OLN: 028544092 ST: MA PAGE 02
 NAME L: HANDY F: JOHN M: H DOB: [REDACTED]
 CORP/CO NAME:
 STATUS: SUS/RSU FOLDER:

ENTRY DATE	INCIDENT DATE	DESCRIPTION	CRT FINDINGS DATE
13/09/04	03/09/04	HEARING POSS HYPO SYRINGE EXPIRE	03/09/04
13/09/04	03/09/04	HEARING 1000 FEET SCHOOL EXPIRE	03/09/04
12/03/03	02/03/03	SUSPENSION ILLEGAL POSS CLASS A 1 YEAR	02/13/03
16/06/02	06/06/02	SUSPENSION COURT DEFAULT INDEFINITE	07/06/02
16/06/02	04/27/02	ILLEGAL POSS CLASS A DORCHESTER G	007 01/22/03
16/06/02	04/27/02	TRESPASS WITH MV DORCHESTER DF	007 05/14/02
12/11/01	12/11/01	HEARING COURT DEFAULT FILED	12/11/01
9/24/99	09/24/99	SUSPENSION POSS HYPO SYRINGE 1 YEAR	10/04/99
9/24/99	01/25/99	POSS HYPO SYRINGE BRAINTREE G	056 09/15/99
6/16/99	06/16/99	SUSPENSION POSS HYPO SYRINGE 1 YEAR	06/26/99
6/16/99	02/10/99	POSS HYPO SYRINGE NEWTON G	012 06/03/99
----- NEXT PAGE COMING UP -----			

JIS 881716 12/02/2004 1607 S [REDACTED].
 MASSACHUSETTS REGISTRY OF MOTOR VEHICLES 12/02/04 1607
 ----- DRIVER HISTORY -----

KEYS USED: HANDY JOHN [REDACTED]
 OLN: 028544092 ST: MA PAGE 03
 NAME L: HANDY F: JOHN M: H DOB: [REDACTED]
 CORP/CO NAME:
 STATUS: SUS/RSU FOLDER:

ENTRY DATE	INCIDENT DATE	DESCRIPTION	CRT FINDINGS DATE
1/17/96	01/17/96	SUSPENSION 1000 FEET SCHOOL 5 YEARS	01/27/96
1/17/96	01/17/96	SUSPENSION POSSESS CLS B/INTENT 3 YEARS	01/27/96
1/17/96	01/17/96	SUSPENSION ILLEGAL POSS CLASS B 1 YEAR	01/27/96
1/17/96	02/13/93	ILLEGAL POSS CLASS B DORCHESTER G	007 06/28/94
1/17/96	02/13/93	POSSESS CLS B/INTENT DORCHESTER G	007 06/28/94
1/17/96	02/13/93	1000 FEET SCHOOL DORCHESTER G	007 06/28/94
1/14/94	11/14/94	SUSPENSION ILLEGAL POSS CLASS A 1 YEAR	11/24/94
1/14/94	05/19/94	ILLEGAL POSS CLASS A ROXBURY G	002 05/24/94
0/04/90	10/04/90	SUSPENSION COURT DEFAULT INDEFINITE	11/03/90
0/04/90	04/22/90	NO LIABILITY POLICY ROXBURY DF	002 09/12/90
0/04/90	04/22/90	UNREG/IMPROPER EQUIP ROXBURY DF	002 09/12/90
----- NEXT PAGE COMING UP -----			

CJIS 881716 12/02/2004 1607 S [REDACTED]

MASSACHUSETTS REGISTRY OF MOTOR VEHICLES

12/02/04 1607

DRIVER HISTORY

KEYS USED:

HANDY

JOHN [REDACTED]

OLN: 028544092

ST: MA

PAGE 04

NAME L: HANDY

F: JOHN

M: H

DOB: [REDACTED]

CORP/CO NAME:

STATUS: SUS/RSU

FOLDER:

ENTRY DATE	INCIDENT DATE	DESCRIPTION	CRT FINDINGS DATE
0/04/90	04/22/90	OPERATOR UNLICENSED ROXBURY DF ----- END OF HISTORY	002 09/12/90

EXHIBIT 13

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Bureau of Justice Assistance Program Brief

Domingo S. Herraiz, Director
www.ojp.usdoj.gov/BJA

June 2004



Project Safe Neighborhoods: America's Network Against Gun Violence

Although U.S. violent crime rates have been declining steadily and are now at a 30-year low, gun violence, particularly homicide, continues to be a significant problem. Death by firearms accounted for 67 percent of all homicides in 2002.¹

To combat gun crime, in 2001 President George W. Bush created an aggressive, comprehensive gun crime reduction strategy called Project Safe Neighborhoods (PSN). By linking federal, state, and local law enforcement, prosecutors, and community leaders, PSN provides a multifaceted approach to deterring and punishing gun crime. It represents a nationwide commitment to reduce gun crime by providing locally based programs with the tools and resources they need to succeed.

PSN (www.psn.gov) is committed to building effective federal, state, and local partnerships; using research tools to assist with guiding local strategies and measuring their impact; providing comprehensive training; conveying the initiative's priorities, message, and results to the community and the media; and building a strong and lasting coalition with citizens so they will be agents of change in their own communities.

BJA



About BJA

The Bureau of Justice Assistance was established in 1984 as a component of the Office of Justice Programs, U.S. Department of Justice. BJA provides leadership and resources to state, local, and tribal governments and communities to reduce crime, violence, and drug abuse and to strengthen the nation's criminal justice system. BJA provides this assistance through formula and discretionary grants, training and technical assistance, publications, and the BJA web site.

For Further Information

For information about Project Safe Neighborhoods, contact:

Project Safe Neighborhoods

E-mail: AskPSN@usdoj.gov
www.psn.gov

U.S. Department of Justice

Criminal Division, Domestic Security Section
 1301 New York Avenue NW., Suite 1010
 Washington, DC 20530
 202-616-5731
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 Fax: 202-305-1367
www.ojp.usdoj.gov/BJA

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NCJ 205263

National and Local Cooperation

PSN is a partnership involving components of the U.S. Department of Justice (DOJ): the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Office of Community Oriented Policing Services, the U.S. Marshals Service (USMS), the Bureau of Justice Assistance (BJA), the National Institute of Justice, the Executive Office for United States Attorneys (EOUSA), and the United States Attorneys' Offices. PSN also partners with national constituent organizations including the National District Attorneys Association, the International Association of Chiefs of Police, and the National Crime Prevention Council (NCPC).

In addition to the federal and national partners, Michigan State University, American University, Hobson & Associates, and the American Probation and Parole Association provide training and technical assistance to PSN.

The U.S. Attorney in each of the 94 federal judicial districts, working side by side with local law enforcement and other officials as a task force, has tailored the PSN strategy to fit the unique gun crime problem in that district. Criminals who use guns are prosecuted under federal, state, or local laws, depending on which jurisdiction can provide the most appropriate punishment. Each district engages in deterrence and prevention efforts through community outreach and media campaigns and ensures that law enforcement and prosecutors have the training necessary to make the program work. Each U.S. Attorney has designated a PSN point of contact to serve as the project coordinator and help streamline communication among the PSN task force members and partners.

To complement the PSN efforts in each district, DOJ created the Firearms Enforcement Assistance Team (FEAT), which is composed of federal staff who have expertise in PSN's core elements. FEAT also assists the districts with their implementation efforts by acting as the single point of contact within DOJ to

address PSN inquiries from the federal judicial districts.

PSN is not a "one size fits all" program that is applied uniformly in all jurisdictions; rather, each local PSN task force designs its program by tailoring the five core elements of PSN to tackle its own unique gun crime problems.

PSN's Five Core Elements

For PSN to be successful, five elements are essential: partnerships, strategic planning, training, outreach, and accountability.

Partnerships. Members of the 94 PSN task forces may include federal, state, and local agencies, including the U.S. Attorney who heads each task force; state and local prosecutors; special agents in charge from ATF, USMS, and the Federal Bureau of Investigation (FBI); local and state chiefs of police; and community leaders. Each task force develops strategies to reduce gun crime and reviews and prepares gun cases for prosecution in the most appropriate forum and venue.

Strategic planning. Each PSN task force, assisted by a grant-funded research partner, creates a strategic plan tailored to address the specific dynamics of its crime problems. Plans are aimed at prosecuting violent gun offenders and intensifying federal gun law enforcement using state-of-the-art technology and intelligence-gathering techniques such as mapping crime, identifying hotspots, tracing seized crime guns, and using ballistics technology.

Training. Specialized training on current laws and trends that affect law enforcement is essential. PSN provides expansive and comprehensive training for federal, state, and local law enforcement officers and prosecutors. DOJ and its partners conduct regional cross training on firearm identification, safety, interdiction, trafficking, and tracing; federal and state

"If you use a gun illegally, you will do hard time."

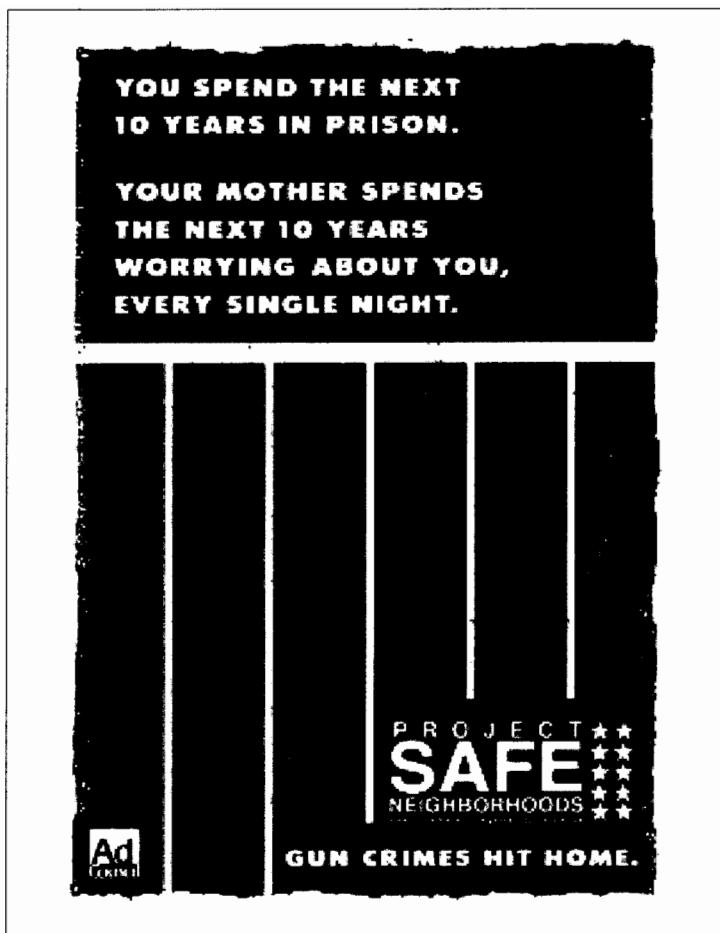
—President George W. Bush

firearm statutes; federal and state search and seizure laws; crime scene and evidence management; and strategic planning. U.S. Attorneys also are encouraged to conduct their own local and regional training programs.

Outreach. Community outreach and public awareness are essential to PSN's success. U.S. Attorneys work with their local communities to increase awareness of PSN, promote community involvement, send a gun crime deterrent message, and work with citizens to develop a gun crime reduction strategy for the district, including appropriate crime prevention strategies that involve community members. To spread the word about gun crime reduction, an aggressive community outreach campaign is coupled with strong enforcement and prevention and education messages. PSN has made direct grants to districts and sponsored a national media campaign.

Outreach activities include producing and distributing literature, conducting mail campaigns, sponsoring local workshops, and producing public service announcements (PSAs), educational literature, crime prevention toolkits, billboard advertisements, press releases, and news articles. Media partners work with the local PSN task forces to identify local stakeholders, leverage the support of potential partners, identify resources, and engage members of the community in the PSN initiative.

PSN's national PSA campaign, created by DOJ in partnership with NCPC and the Ad Council, began with the "Gun Crimes Hit Home" theme, which focuses on the consequences of using guns illegally. The first PSA, "Mothers," was launched on September 27, 2003 and



Poster created for the PSN campaign for use in schools and communities.

portrays the pain of mothers who have lost their children to gun violence. A series entitled "Sentenced," which focuses on the pain caused to families when a loved one commits a gun crime, was officially launched on January 26, 2004. The "Gun Crimes Hit Home" message also is being emphasized in print, television, and radio advertisements.

Accountability. U.S. Attorneys must continually review gun crime reduction efforts to measure PSN's impact on reducing crime and its long-term effect. U.S. Attorneys regularly assess the effectiveness of their strategic plans and the emerging trends in their districts, and they provide semiannual progress reports to EOUSA. The reports allow the U.S.

Attorneys to describe fully both the gun crime problems in their districts and the strategies the PSN task force is employing to combat those problems.

PSN Funding

The Administration has devoted more than \$1 billion to PSN for fiscal years (FYs) 2001–2004. Funds are used for various objectives, including hiring and training new assistant U.S. Attorneys to work full time on gun crime prosecutions and new state and local prosecutors to work with federal law enforcement agencies on such cases, updating and automating state criminal history records, expanding ATF's Youth Crime Gun Interdiction Initiative and Integrated Violence Reduction Strategy, expanding ATF's computerized ballistics technology, and creating a nationwide tracing system. In addition, Project ChildSafe, a separate program under PSN, distributes safety kits nationwide with cable-style gun locks and educational materials on safe gun storage.

BJA, a component of DOJ's Office of Justice Programs (OJP), administers the PSN grant funding. In FY 2001, BJA initiated the Community Gun Violence Prosecution (GVP) Program to support the hiring of state and local prosecutors who are dedicated to prosecuting violent firearm-related crimes. Funding under this program was available to all state, county, city, and tribal public prosecutor offices, including state attorney general offices that have responsibility for prosecuting matters involving firearm-related violent crime. Under this program, 311 jurisdictions received grant awards to cover 80 percent of the salary and benefits costs up to \$40,000 for each of up to 4 state or local prosecutors for 3 years.

In FY 2002, BJA sponsored four new PSN grant programs. In the Research Partner/Crime Analyst and Media Outreach and Community Engagement programs, PSN task forces selected research and media partners to assist with local efforts. Project Sentry grants provided funding for juvenile-related programs. A Reducing Community Gun Violence open



solicitation funded innovative ideas in reducing gun violence.

- ◆ Research Partner/Crime Analyst grants support the strategic planning and accountability components of PSN. These grants allow local governments to collect and appropriately analyze accurate data to develop data-driven strategies to reduce gun crime. A research partner was selected for each of the 94 U.S. Attorney districts that will receive up to \$150,000 over 3 years.
- ◆ Media Outreach and Community Engagement grants provide resources to publicize a strict enforcement message, encourage citizens to work with law enforcement to address firearm-related crime in their communities, and promote gun safety at the local level. Similar to the research partner program, a media partner was selected for each of the U.S. Attorney districts that will receive up to \$170,000 over 2 years.
- ◆ Project Sentry grants assist selected communities in determining the extent and nature of juvenile gun offenses and gun violence and in finding the best approach to address the problem. Such approaches may include one or any combination of the following: identifying and investigating juvenile gun crimes, prosecuting juveniles who commit offenses using guns, prosecuting adults who supply illegal firearms to juveniles, or supervising juvenile gun users once they are adjudicated or convicted. Thirty-seven awards ranging from \$200,000 to \$1 million were stratified among counties that had high local gun-related and total juvenile violent crime rates at different population levels.
- ◆ The Reducing Community Gun Violence open solicitation funds innovative ideas to reduce gun violence in three different areas. Forty of these competitive grants were made with an average award of \$250,000 over 3 years.

In response to feedback from the field, the FY 2003 PSN program's funding allocation was changed. Instead of being awarded in separate grants for each

PSN component, the FY 2003 PSN funds were consolidated and distributed as block grants. That is, each district received a base allocation, and the remaining funds were distributed based on population. This new format provided each district's task force with more flexibility in determining how the money should be spent on gun violence reduction efforts at the local level. Based on the proportion of appropriated Project Sentry funds compared to all PSN funds, 29 percent of FY 2003 PSN funds were set aside for juvenile programs. To administer these funds, each district chose a fiscal agent to enter into subgrants or contracts with individual projects to carry out the individual components of the PSN task force strategy.

The FY 2004 PSN grant program will be administered in the same manner as the FY 2003 program. In addition, through the FY 2004 National PSN Community Engagement and Media Outreach Technical Assistance Program, BJA will fund specialized support to the 94 PSN task forces. Technical assistance (TA) will be provided by a national grant recipient through a combination of onsite and office-based TA and training and through the development and the dissemination of resource materials.

In 2004, BJA also is working with the U.S. Department of Housing and Urban Development (HUD) to supplement the strategies of nine U.S. Attorneys' districts focused on the prevention, investigation, and prosecution of violent crime and drug crime in public and federally assisted housing, including Native American housing. BJA is coordinating this project with HUD and OJP's American Indian and Alaska Native Affairs Desk in an effort to increase attention on gun violence reduction in public housing in general and, where appropriate, in tribal population centers.

BJA and the PSN partners also offer a series of ongoing comprehensive training and technical assistance (see "Training" under "Five Core

Elements" for course examples). More than 11,000 PSN task force members have received training.

PSN Success Stories

The success of the PSN program is based on the cooperation of federal, state, and local agencies. Because of PSN, federal prosecutions of gun crime are at record levels; they have increased 68 percent from FY 2000 to FY 2003. In FY 2003, 93 percent of defendants were sentenced to some prison time; about 72 percent received sentences of at least 3 years. Descriptions of four successful PSN task forces appear below.²

Southern District of Indiana

The Southern District of Indiana has a strong PSN initiative that combines an innovative program—the Indianapolis Violence Reduction Program (IVRP)—with partnerships of federal, state, and local law enforcement and faith-based organizations. Through IVRP, the district has created a program of prevention and prosecution to deter felons from possessing firearms and ammunition. Through its faith-based approach, ministers and religious leaders have assisted with outreach and prevention efforts that have greatly enhanced the district's interaction with the community, developed a ready network of support for families at risk of firearm violence, and provided unique opportunities to deliver the PSN message. These outreach efforts are directed to and through service-oriented and/or spiritually related organizations that work to improve the quality of life for the community.

Successful community outreach efforts focusing on PSN have been made in schools as part of a program called Educating Kids About Guns (EKG) and at events such as the Indiana Black Expo Summer Celebration Youth Summit and Breakfast with the Boyz and Breakfast with the Girlz, attended by 1,000 young men, women, boys, and girls. A youth scholastic basketball event delivered the PSN message. PSN participation in these events is designed to reach

individuals who are believed to be most at risk and affected by gun violence. A strong law enforcement message is delivered in conjunction with the message from community and faith-based organizations that there are alternatives to violence and that assistance is available.

In addition to the strong efforts focused on prevention and deterrence, federal prosecutions in this district have increased dramatically. Federal statistics for the Southern District of Indiana from FY 2000 to FY 2003 show an increase of 154 percent for gun crime prosecutions and an increase of 141 percent in the number of defendants prosecuted. In FY 2003, 84 percent of the convicted defendants were sentenced to prison terms of more than 3 years, and 61 percent were sentenced to prison terms of more than 5 years.

Although establishing concrete links between gun crime prosecution, prevention, and deterrence efforts and a decrease in violent crime requires long-term rigorous study, preliminary results are encouraging. According to the Indianapolis Police Department, the number of homicides in the high-crime, west district has decreased by 30 percent. From 29 in 2001, the number dropped to 20 in 2002 and 21 in 2003. Moreover, homicide figures remain well below the record-high levels that occurred in 1997 and 1998, prior to implementation of IVRP.

District of Massachusetts

Boston was one of the pioneers of PSN. Its Project Ceasefire helped to set the foundation on which PSN was built and expanded. The District of Massachusetts continues to implement PSN strategies that are tailored to address the issues facing its community. As part of its PSN initiative, the district has expanded its programs to bring the most successful elements of Project Ceasefire to other major cities in the district, including Brockton, Lowell, Springfield, Holyoke, Chicopee, New Bedford, and Fall River. District attorneys' offices in these areas collaborate with the U.S. Attorney's Office to discuss strategies for proactive investigations, to confer on

cases, and to refer firearm-related cases for potential federal prosecution when viable. Target cities also have been encouraged to identify hotspots of firearm violence and to use their data to design strategies to combat violence.

Recently, the District of Massachusetts teamed with its PSN media outreach partner, federal and state law enforcement agencies, and community-based service providers to launch a media campaign to target previously convicted felons. The campaign is meant to serve as a reminder to felons of the mandatory sentences faced if they are found in possession of firearms.

Other PSN programs aimed at helping individuals make good choices to remain law-abiding members of the community complement the media campaign. One such program is the Boston Reentry Initiative, in which offenders are assigned mentors to guide them in obtaining job training, substance abuse counseling, employment opportunities, and any other needed services. The severity of the penalty for offenders in possession of firearms is also reiterated. According to preliminary findings, individuals who stay active in the program have a lower rate of recidivism than would be expected for this population.

Two other collaborative initiatives take proactive approaches to preventing gun crime. Through Operation Nightlight, state probation officers and police officers make unannounced home and community visits to monitor high-risk probationers to ensure compliance with probation conditions. This initiative provides more interactive relationships between probation officers and probationers, strengthens cooperation between police and probation officers, and serves notice to the community that the police and probation officers are serious about their mission. Operation Homefront teams clergy with police to visit more than 600 at-risk minors and their families per year with the goal of preventing future

"Together in coordination with law enforcement and communities across America, we can help break the deadly link between guns and crime and keep gun-wielding criminals off our streets and out of our neighborhoods."

—Attorney General John Ashcroft

criminal behavior. The participation of clergy, who are often known to the families and welcomed into their homes, encourages parents to see police as positive figures who sincerely want to help.

In addition to these strong efforts focused on prevention and deterrence, federal prosecutions in this district continue to dramatically increase. The District of Massachusetts has seen a 157 percent increase in prosecutions from FY 2000 to FY 2003. In FY 2003, 77 percent of convicted defendants were sentenced to prison terms of more than 3 years and 47 percent were convicted to terms of more than 5 years. Statistics show that in 2002, violent crime in the district reached its lowest level in 31 years.

Western District of Tennessee

The Western District of Tennessee has formed effective partnerships with the Memphis Police Department, the district attorney, ATF, and other state and local law enforcement in its efforts to implement the PSN initiative and target felons in possession of firearms or ammunition for federal prosecution. The district's PSN task force shows an impressive level of cooperation among all involved components. A dedicated Firearms Unit is composed of the PSN coordinator, three other federal prosecutors, and one state prosecutor. The unit has ensured that the most violent offenders are charged in federal court within

days of their arrest, while continuing to indict the remaining offenders in a timely manner.

The enforcement authorities of the PSN task force meet weekly to review information prepared by the Police Department's PSN unit on all arrests or citations in which a firearm was seized. This information is then cross-referenced and reviewed for prior felonies, related drug or violent crimes, and stolen or otherwise prohibited firearms. The Memphis Police Department has developed a computer database that allows all enforcement components of the PSN task force to access information for all PSN cases, enabling them to immediately identify recidivists or prior codefendants, with links to supplemental investigation reports. Indictment and disposition information in both state and federal courts is also available. Personnel who use the database praise it for allowing swift and easy access to shared information among the participating members of the PSN task force.

The cooperation within the Western District of Tennessee has led to a 407 percent increase in federal gun crime prosecutions since PSN's inception. In FY 2003, 76 percent of the convicted defendants were sentenced to prison terms of more than 3 years, and 58 percent were sentenced to more than 5 years. Firearm-related homicides fell by 16.4 percent from 2002 to 2003, and aggravated assaults committed with firearms fell by 10.7 percent.

District of Nevada

To focus on the dramatic increase in violent crime in Las Vegas, the District of Nevada has created Project EFFECT (Ex-Felon and Firearm Equals Conviction). Project EFFECT combines the efforts of ATF, state and local police, and the district attorney's office in the prosecution of felons in possession of firearms or ammunition.

Due to the district's makeup and geography, the U.S. Attorney's Office has two separate Project EFFECT programs. The first program is tailored to meet the needs of Las Vegas, which has a largely urban population, and the second program focuses on southern Nevada and is tailored to a more rural population. Weekly firearm meetings in southern Nevada bring together attendees from the U.S. Attorney's Office, the Clark County District Attorney's Office, ATF, the Las Vegas Metropolitan Police Department (LVMPD), and more recently, officials from the Henderson Police Department and the North Las Vegas Police Department. Firearm cases that have occurred during the week are discussed and determinations are made as to the best manner of prosecution. The LVMPD gun crimes unit also has begun implementing a community outreach program that includes informing residents in the areas with the most gun crime about increased firearm enforcement and prosecution. This outreach is done through word of mouth by patrol officers and detectives at meetings of community, business, and faith-based groups.

As a result of these efforts, federal gun crime prosecutions in the District of Nevada have steadily increased. From FY 2000 to FY 2003, there has been a 160 percent increase in gun crime prosecutions, with an increase of 163 percent in the number of defendants prosecuted. In FY 2003, 59 percent of convicted defendants were sentenced to prison terms of more than 3 years, and 30 percent were sentenced to prison terms of more than 5 years.

Since October 2001, a very efficient and organized effort to combat violent crime has been underway in the Clark County/Las Vegas Metropolitan area. A successful PSN task force partnership has led to significant increases in both state and federal gun crime prosecutions, and its work has attracted the



attention of felons in the Las Vegas area. The word on the street is that if a felon possesses a firearm, his/her case will be thoroughly reviewed for the possibility of federal prosecution.

In these 4 and in the other 90 federal judicial districts throughout the country, PSN is making America's neighborhoods safer by supporting local efforts to vigorously enforce gun laws, prosecute offenders, and prevent and deter gun crime.

Notes

1. Federal Bureau of Investigation, 2003, *Crime in the United States 2002*, Uniform Crime Reports, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation.
2. The online HTML and PDF versions of this report present information on the Western District of Tennessee that is not presented in the print version.

EXHIBIT 14



U.S. Department of Justice

Michael J. Sullivan
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

November 3, 2004

BY FAX

Edgar Brown, Esquire
Office of Enforcement Operations
Criminal Division
United States Department of Justice
Washington, D.C.

Re: Dual Prosecution Waiver Request
United States v. John Handy

Dear Mr. Brown:

This office has approved, subject to a Petite Policy waiver, the prosecution of JOHN HANDY ("HANDY") (DOB: [redacted]) for felon in possession of a firearm, to wit: a Smith and Wesson, Model 10, .38 caliber semi-automatic pistol, bearing serial number 182972, in and affecting commerce, after having been convicted in a court of a felony offense, in violation of 18 United States Code, §922(g)(1). HANDY has a lengthy criminal history that would result in a fifteen year minimum mandatory sentence under the Armed Career Criminal Act, 18 U.S.C. §924(e). Through a series of miscommunications within a state prosecutor's office, HANDY was allowed to plead guilty in a state court to a reduced charge and was sentenced to six months in the House of Correction. The District Attorney's Office contacted the United States Attorney's Office shortly after the plea to request that we charge HANDY under federal law so that he could receive a sentence that more appropriately reflects the serious nature of his crime and his extensive criminal history. By this letter, we request a waiver of the Department's dual prosecution policy on the basis that HANDY's state court sentence fails to adequately vindicate the substantial federal interest presented here.

Exhibit 14, p. 1

UNDERLYING FACTS

During the month of May, 2004, Massachusetts State Police Trooper Edward McDonald, assigned to the Plymouth County District Attorney's Office, received information from a reliable confidential informant ("CI") that an individual named "Joe" was selling heroin in the City of Brockton. Based upon the CI's information and two controlled purchases, Trooper McDonald applied for and received a state search warrant for 41 Weston Street, Brockton, Massachusetts.

The two controlled purchases of heroin took place on or about May 22 and May 26, 2004. The same sequence of events took place on both occasions. The CI called "Joe" to arrange for the purchase of heroin. The CI was searched and found to have no narcotics or money. The CI was then given money in order to purchase the heroin. The CI traveled to 41 Weston Street under law enforcement surveillance. The CI entered that building, left the building after a short time, and then met with law enforcement officers and gave them the heroin that the CI had just purchased. That substance was field tested and found to be heroin.

The CI told law enforcement that "Joe" lived at 41 Weston Street, Brockton, Massachusetts. The only utility service to 41 Weston Street was listed to Shirelle Carrigan and had been since May 2, 2003. Ms. Carrigan is the mother of the defendant's child and the owner of record of the premises. Ms. Carrigan's current Massachusetts Driver's License lists a Boston address.

The State Police obtained a state search warrant for the premises and executed it on June 2, 2004. No one answered the door when the police knocked and announced their presence. The police entered the premises to conduct the search and found HANDY hiding in his bedroom. They recovered a loaded Smith and Wesson, Model 10, .38 caliber semi automatic pistol, bearing serial number 182972 and a black leather holster under the floorboard in that bedroom near a hole in the floor. The police also recovered paperwork in Handy's name in a drawer in the same bedroom where the gun was recovered. Three pieces of mail addressed to HANDY at 41 Weston Street, Brockton, Massachusetts, dated in April and May, 2004 were taken. The police also recovered a plastic bag containing suspected heroin in a second floor hallway.

PROCEDURAL HISTORY

The defendant was arrested immediately after the execution of the search warrant. He was charged in the Brockton District Court with possession of a firearm without a Firearms Identification Card and possession of a Class A controlled

substance (heroin). Through a series of miscommunications within the District Attorney's Office, the defendant was allowed to plead guilty in the Brockton District Court on July 1, 2004.

The plea proceedings were tape recorded. The Assistant District Attorney explained to the Court that this case was based upon evidence recovered during the execution of a search warrant at 41 Weston Street. He told the Court that the Smith and Wesson .38 caliber firearm was recovered from under the floorboard in the residence and that a plastic bag of heroin and paperwork in the defendant's name were also recovered during the search. The Court conducted a colloquy with the defendant and, once satisfied that the defendant was voluntarily pleading guilty, accepted his guilty plea. The Commonwealth dismissed Count 1 of the complaint that charged him with illegal possession of a firearm and subjected him to a one year mandatory sentence. The defendant was sentenced on Count 2 of the complaint that charged him with possession of a firearm without a Firearms Identification Card and Count 3 that charged him with possession of heroin.

During the plea proceedings, defense counsel informed the Court that, as a result of the plea, the defendant would be facing a probation surrender in the Dorchester District Court on an unrelated charge that would subject him to a one year sentence. The Court sentenced the defendant to six months in the House of Correction on Counts 2 and 3; these sentences were to run concurrently. He is scheduled to be released from custody on that charge on November 17, 2004. In August, 2004 the defendant was surrendered in the Dorchester District Court for a probation violation as a result of the plea and received a one year sentence to run concurrently with his Brockton District Court sentence. On November 17, 2004, the defendant will be transferred from the Plymouth County House of Correction to the Suffolk County House of Correction to finish the remaining few months of his probation violation sentence. He will likely be released sometime in the Spring or Summer of 2005.

HANDY's Criminal History

HANDY's criminal history began in 1984 when he was 19 years old. He has at least ten offenses that will qualify as predicates under the Armed Career Criminal Act.

- HANDY was convicted of Possession of a Class B Substance with Intent to Distribute in 1990 in the Dorchester District Court. He received a sentence of one year committed to the House of Correction.
- HANDY was convicted of Assault and Battery with a Dangerous Weapon in the Brockton District Court in 1995 (the offense occurred in 1992) and received a sentence of one year

- committed to the House of Correction.
- HANDY was convicted of Possession of a Class B Substance with Intent to Distribute and Distribution of Drugs in School Zone in the West Roxbury District Court in 1994 (the offense occurred in 1993) and received a sentence of 2 years committed to the House of Correction.
- HANDY was convicted of Possession of a Class B Substance with Intent to Distribute in the Boston Municipal Court in 1995 (the offense occurred in 1993) and received a sentence of 1 year committed to the House of Correction.
- HANDY was convicted of Possession of a Class B Substance with Intent to Distribute in the Dorchester District Court in 1996 (the offense occurred in 1994) and received a sentence of 18 months committed to the House of Correction.
- HANDY was convicted of Assault with a Dangerous Weapon in the West Roxbury District Court in 1995 and receive a sentence of 3 months committed to the House of Correction.
- HANDY was convicted of Possession of a Class A Substance with Intent to Distribute in 1997 (the offense occurred in 1996) and received a sentence of 18 months committed to the House of Correction.
- HANDY was convicted of Assault and Battery with a Dangerous Weapon in the Brockton District Court in 1999 and received a sentence of 1 year committed to the House of Correction.
- HANDY was convicted of Possession of a Class A Substance with Intent to Distribute in the Roxbury District Court in 2000 and received a sentence of 1 year committed to the House of Correction
- HANDY was convicted of Possession of a Class A Substance with Intent to Distribute in the Dorchester District Court in 2003 and received a 1 year suspended sentence. He was on probation for that offense when the police executed the search warrant at his residence on June 2, 2004. He was surrendered on that sentence and is now serving this sentence at the same time that he serves the six month sentence he received in Brockton.

THE PROPRIETY OF A SUBSEQUENT FEDERAL PROSECUTION

The United States Attorneys' Manual states that a subsequent federal prosecution will not be authorized unless it involves a substantial federal interest that has been left demonstrably unvindicated and that the admissible evidence probably will be sufficient to obtain a conviction. USAM Section 9-2.030.

SUBSTANTIAL FEDERAL INTEREST

Under the Project Safe Neighborhoods program ("PSN"), the prosecution of armed career criminals who possess firearms is a national priority. This offense occurred in the City of

Brockton, one of the twelve PSN target cities in this District. Drug related disputes have contributed to the gun violence problems that Brockton has experienced over the past several years. HANDY has a criminal history that spans 12 years and includes convictions for crimes of violence and drug distribution. He has been prosecuted by state authorities on multiple occasions and has been sentenced to relatively brief periods of incarceration. He was on probation in state court at the time of the execution of this search warrant.

FEDERAL INTEREST LEFT UNVINDICATED

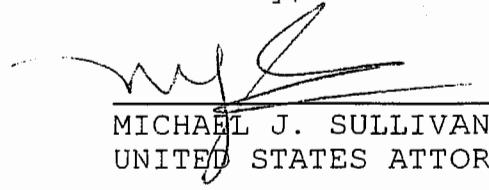
The Plymouth District Attorney's Office has an aggressive gun violence reduction program and works closely with the USAO in the PSN program. The USAO reviews firearms related arrests with the District Attorney's Office on a regular basis to identify those cases that are appropriate for federal prosecution. Through a series of miscommunications within the District Attorney's Office HANDY was allowed to plead guilty to a reduced charge and sentenced to six months imprisonment. Once this error was discovered, the District Attorney's Office contacted the USAO to request our assistance. As a result of his plea of guilty, HANDY was surrendered on his outstanding probation violation and received a one year sentence. According to the Plymouth House of Correction, he is scheduled for release from that facility on November 17, 2004. He will then be transferred to the Suffolk County House of Correction to complete the remaining months of his sentence. The exact date of HANDY's release will not be calculated until he arrives at the Suffolk County facility but it is expected that he will be released sometime in the Spring or Summer of 2005. Federal prosecution of HANDY should result in a minimum mandatory sentence of 15 years.

EVIDENCE IS SUFFICIENT TO OBTAIN A CONVICTION

CONCLUSION

HANDY is an armed career criminal who received a one year sentence for illegal possession of a firearm because of a mistake in state court. His lengthy criminal history should subject him to a fifteen year period of incarceration under federal law. For all of the reasons set out above, this office strongly requests your approval of this proposed prosecution.

Sincerely,



MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

Exhibit 14, p. 6
(one page redacted)

EXHIBIT 15



Criminal Division

*Office of the Assistant Attorney General**Washington, DC 20530-0001*

NOV 16 2004

The Honorable Michael J. Sullivan
United States Attorney
District of Massachusetts
Boston, Massachusetts 02210

Attention: Marianne Hinkle
Assistant United States Attorney

Re: Dual Prosecution of John Handy

Dear Mr. Sullivan:

This refers to your request for a waiver of the Petite policy in order to prosecute John Handy for being a felon in possession of a firearm notwithstanding his prosecution by the Commonwealth of Massachusetts for offenses in the same transaction. After reviewing your request, I have concluded that the policy applies and that a waiver is justified.

Notwithstanding Handy's extensive criminal background, which qualifies him for a mandatory minimum sentence of from fifteen years to life, the Commonwealth of Massachusetts allowed the defendant to plead guilty to related drug charges and dismissed the count for illegal possession of a firearm for which he received a sentence of six months. The state prosecution resulted from a series of miscommunications in the District Attorney's Office. As a result, the state prosecution failed to vindicate federal interests, and your request for a waiver is approved.

Sincerely,

Christopher A. Wray
Assistant Attorney General

John C. Keeney
Deputy Assistant Attorney General
Criminal Division

EXHIBIT 16

COMMONWEALTH OF MASSACHUSETTS

Plymouth County, ss.

Brockton Trial Court

COMMONWEALTH

vs.

JOHN HANDY

Docket: 0415 CR 4029

BEFORE: Honorable W. James O'Neill

APPEARANCES: Timothy Shyne, Esquire
(for Commonwealth)

David Humphreys, Esquire
(for Handy)

Criminal
Plea Hearing

July 1, 2004

CAMBRIDGE TRANSCRIPTIONS
675 Massachusetts Avenue
Cambridge, MA 02139
(617) 547 - 5690
www.ctran.com

Commonwealth v. Handy

Page 2

WITNESSES

Witness	Direct	Cross	Re-Direct	Re-Cross
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Exhibits:

Page

Commonwealth v. Handy

Page 3

P R O C E E D I N G S

COURT CLERK: Our next matter is John Handy.

COURT OFFICER: John Handy. John Handy?

THE CLERK: This is the custody fellow I spoke to you about.

THE COURT: Okay. We're, we're down to six months. That's a pretty good deal for him.

MR. HUMPHREYS: If the government's amendable to amending this charge down to --

THE COURT: Are you amending the, amending the charge today? I guess you are?

MR. SHYNE: Yes, Your Honor. But I would --
We're also recommending the maximum, just based on his
record.

THE COURT: No, I understand that. He's also facing in, Dorchester, a one year suspended [inaudible].

MR. HUMPHREYS: I believe that that's -- that's the, that's the view from 10,000 feet, Your Honor, is that by admitting this he's setting hims-- he's gonna, something is going --

THE COURT: Right.

MR. HUMPHREYS: -- to happen in Dorchester.

THE COURT: Yeah. No argument.

MR. HUMPHREYS: And so um, we are, we are looking

Commonwealth v. Handy

Page 4

1 for straight time --

2 THE COURT: Yeah.

3 MR. HUMPHREYS: -- insofar as the probation might
4 not be the best idea here.

5 THE COURT: Yeah. Oh, absolutely. Okay. Do you
6 have Mr. Handy's ah -- oh, do I -- I mean -- that's the
7 folder I've got in my hand? That sure is helpful. I know
8 what I need. The complaint. Actually what you're doing
9 here is dismissing the Count A, and pleading on Count II.
10 Count II is 10-H.

11 MR. SHYNE: Yes.

12 MR. HUMPHREYS: Oh, it is. And I believe that's
13 correct, Your Honor. I was looking at my NAC which has it
14 incorrect, but it's correct.

15 MR. SHYNE: The Commonwealth would dismiss Count
16 I.

17 THE COURT: Pleading on Count II and III? Okay.
18 You're Mr. Handy?

19 MR. HANDY: Yes, Your Honor.

20 THE COURT: Okay. Mr. Handy, you're offering to
21 plead guilty at the moment to possession to a firearm
22 without an ID card in Brockton on ah, July -- ah, June 2nd,
23 and also unlawful possession of heroin, is that correct?

24 MR. HANDY: Yes, Your Honor.

Commonwealth v. Handy

Page 5

1 THE COURT: Can we have the facts of the case?

2 MR. SHYNE: Certainly, Your Honor. Ah, Your
3 Honor, summarizing from the Brockton narrative ah, which
4 indicates that in May a narcotics investigation in the City
5 of Brockton led to this particular defendant, ah, John
6 Handy. A ah, controlled buys were done, Your Honor, with
7 this particular defendant on May 26th, 2004. The officers
8 sought a search warrant ah, for 41 Weston Street in
9 Brockton, Mass. On June 2nd ah, the State Police ah,
10 Narcotics Unit executed the search warrant and ah, made
11 forceful entry into that home at 41 Weston Street. Ah, the
12 search warrant ah, revealed one plastic baggie containing a
13 tan substance suspected to be heroin, ah, a Smith & Wesson
14 38 caliber handgun under the floorboard of the bedroom ah,
15 belonging to the defendant, and some miscellaneous
16 paperwork and it gave ah, the defendant's name [inaudible].

17 THE COURT: Was the one -- was anyone else
18 besides the defendant charged with -- in conjunction with
19 that weapon?

20 MR. SHYNE: Negative, Your Honor.

21 THE COURT: Okay. So you would be asking for an
22 order of confiscation and destruction of that weapon?

23 MR. SHYNE: I would, Your Honor.

24 THE COURT: All right. Mr. Handy, would you

Commonwealth v. Handy

Page 6

1 state your name again, sir?

2 MR. HANDY: Ah, John Henry Handy, Jr.

3 THE COURT: And how old are you?

4 MR. HANDY: Forty-one.

5 THE COURT: How far did you go in school?

6 MR. HANDY: I graduated from [inaudible].

7 THE COURT: Okay. Thank you. What's, what's
8 your occupation?

9 MR. HANDY: Painter.

10 THE COURT: Have you had any drugs or alcohol in
11 the last 24 hours?

12 MR. HANDY: No, Your Honor.

13 THE COURT: Do you understand what you're charged
14 with?

15 MR. HANDY: Yes, sir.

16 THE COURT: As it's presently before the Court
17 possession of a firearm without an F-I-D card, as it's
18 alleged, carries a possible punishment of up to two years
19 in jail. It's not a mandatory sentence [inaudible].
20 Possession of, of heroin carries a possible punishment of
21 up to a year in jail.

22 MR. HANDY: Uh-huh.

23 THE COURT: And right now you're pleading guilty
24 to both of those charges um, having just been described to

Commonwealth v. Handy

Page 7

1 me by the prosecutor, is that correct?

2 MR. HANDY: Yes, Your Honor.

3 THE COURT: You understand that means you're
4 admitting your guilt and giving up your right to have a
5 trial, including a jury trial?

6 MR. HANDY: Yes, Your Honor.

7 THE COURT: And at that trial you'd have a right
8 to confront and cross-examine the witnesses, you'd have the
9 right to present evidence on your own behalf, and you have
10 a privilege against self-incrimination, which you're now
11 giving up. Do you understand those rights and privileges?

12 MR. HANDY: Yes, Your Honor.

13 THE COURT: Have you had enough time to discuss
14 the case with your attorney?

15 MR. HANDY: Yes, Your Honor.

16 THE COURT: Are you satisfied by his advice?

17 MR. HANDY: Yes, Your Honor.

18 THE COURT: Are you confused by any of my
19 questions?

20 MR. HANDY: No, Your Honor.

21 THE COURT: I cannot ask you whether or not
22 you're a United States citizen, but I must advise you that
23 if you're not, conviction for this offense could have the
24 consequence of deportation, exclusion from admission or

Commonwealth v. Handy

Page 8

1 denial of naturalization pursuant to the laws of the United
2 States. All right. I will accept the capital plea. Count
3 I is being dismissed by agreement. Count II -- and the
4 Commonwealth's recommendation, actually we'll go on record
5 with it, is not unreasonable, two years committed based on
6 the defendant's record. I'm making these findings based on
7 ah, not only the complaint, but this is also going to
8 trigger other violations that are there. Um, Count II I'm
9 giving him six months committed, credit for the time that
10 he's been in jail. Count III, also six months committed,
11 concurrent, same credit. An order of confiscation and
12 destruction of the weapon.

13 MR. SHYNE: Thank you, Your Honor.

14 THE COURT: Thanks.

15 MR. HUMPHREYS: Ah, thank you, Your Honor.

16 COURT OFFICER: Again, six months house of
17 correction, credit 30 days committed on Count ah, II and
18 III concurrent.

19 MR. SHYNE: Thank you, Your Honor.

20 THE COURT: All right.

21 (Adjourned)

22

23

24

C E R T I F I C A T E

I, Buchanan Ewing, do hereby certify that the foregoing transcript is a true and accurate record of the aforementioned matter prepared to the best of our knowledge, skill, and ability.



Buchanan Ewing
Notary Public No. 17610 DNP
CAMBRIDGE TRANSCRIPTIONS

5/8/06
Date